





*Newman*

**LAWS**

OF THE

**STATE OF INDIANA,**

PASSED AND PUBLISHED AT THE ELEVENTH SESSION

OF THE

**GENERAL ASSEMBLY.**

HELD AT INDIANAPOLIS, ON THE FIRST MONDAY IN DECEMBER, ONE THOU-  
SAND EIGHT HUNDRED AND TWENTY-SIX.

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**BY AUTHORITY.**

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INDIANAPOLIS:

JOHN DOUGLASS, printer.

1827. - 1837



**LAWS**  
**OF**  
**THE STATE OF INDIANA.**

**CHAPTER I.**

An Act for raising the salary of the Agent of the state, for the town of Indianapolis.

[APPROVED—JANUARY 25, 1827.]

*Be it enacted by the General Assembly of the State of Indiana,* That from and after the first day of January, eighteen hundred and twenty-seven, the salary of the agent of state, for the town of Indianapolis, shall be two hundred dollars per annum, to be paid in the manner heretofore directed by law. Agent's salary \$200 per annum.

This act to be in force from and after its passage.

**CHAPTER II.**

An Act to authorize the sale of a site for a Steam Mill, at Indianapolis.

[APPROVED—JANUARY 26, 1827.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the agent of the state, for the town of Indianapolis be, and he is hereby directed to sell at public auction, on the first Monday in March next, on the same terms and credits, and under the same regulations as were prescribed for the first sale of lots in said town, a quantity of ground not exceeding seven acres, belonging to the state, on White river and adjoining thereto, either above, or below the ferry, on said river, owned by the state, to be by said agent laid off and surveyed, in such form and manner, as in his opinion will best answer the purpose designed; which piece of land shall be sold for the purpose of affording a site for the erection of a steam mill and appurtenant machinery, and other manufactory establishments and residences for the workmen, laborers, artists and superintendents thereunto belonging; and if such steam mill and appurtenant machinery, shall be erected at the time the last instalment due for the purchase of said ground shall become payable, and the whole sum due shall then be actually paid, the said agent, or his successor in office, shall convey the said piece of ground to the purchaser or purchasers, his or their heirs or assigns forever: *Provided, That* Agent to sell a site for steam mill.



## Agency at Indianapolis.

the said steam mill and appurtenances, shall be in his opinion, or in fact, worth three thousand dollars; and on failure of the purchaser or purchasers, his or their heirs or assigns, to erect such steam mill and appurtenances within the time aforesaid, and to the value aforesaid, the said piece of ground with its appurtenances, and any instalments paid thereon, shall revert to the state of Indiana.

SEC. 2. The said agent shall immediately give notice of the time, place and conditions of said sale, by publication thereof in the Indiana Journal.

SEC. 3. The said agent shall at any time, execute the conveyance for the said piece of ground, to the purchaser or purchasers thereof, his or their heirs or assigns: *Provided*, That the full amount of the purchase money shall be first paid, and the steam mill and appurtenant machinery shall first be erected thereon, as is in the first section above prescribed.

This act to be in force from and after the passage thereof.

### CHAPTER III.

An Act providing for the erection of an office for the Clerk of the Supreme Court, and for other purposes.

[APPROVED—JANUARY 26, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That a sum not exceeding five hundred dollars be, and the same is hereby appropriated for building a clerk's office for the clerk of the supreme court, which office shall be built of brick, fire-proof, one story in height, and thirty-six feet in length, by eighteen in width, to be located on the west side of block fifty-eight, being the block on which the court house now stands.

SEC. 2. The agent of state for the town of Indianapolis, is hereby authorized and required to contract for building said office on the best terms possible, whose duty it shall be to advertise at least four weeks successively in the newspapers printed at Indianapolis, the time and place when he will receive proposals for the erection of said building, and to take bond payable to the state of Indiana, with security from the person or persons with whom he shall contract, for the faithful performance of his or their contract; which bond shall be filed in the office of the secretary of state.

SEC. 3. The agent of state for the town of Indianapolis, is hereby authorized to pay to the person or persons who erect such office, the sum or sums not exceeding five hundred dollars, for which he or they may contract to erect the same.

SEC. 4. *Be it further enacted*, That the sum of four thou-

## Agency at Indianapolis.

sand dollars be, and the same is hereby appropriated out of the fund aforesaid, in the hands of the treasurer of state, to erect on the Governor's Circle in the town of Indianapolis, a suitable house for the residence of the Executive of this state; and that said agent and treasurer be, and they are hereby authorized to contract for the erection of said building, with the lowest and best bidder therefor, on such terms and conditions as they may think advantageous to the state, and to direct the fashion and form thereof; which building shall be completed on or before the first day of December next.

This act shall take effect and be in force from and after its passage.

### CHAPTER IV.

An Act authorizing an additional sale of lots in the town of Indianapolis, and for other purposes.

[APPROVED—JANUARY 26, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the agent of the state for the town of Indianapolis, be hereby authorized and required to offer for sale, on the first Monday in May next, all the lots in said town which have heretofore been offered for sale, and have been relinquished to the state, and all the reserved lots in said town which are situated in the squares in which lots have been offered for sale, except the lots in certain blocks hereinafter excepted; by giving such notice in the public newspapers as the said agent may think advisable: *Provided however*, the lots contained in blocks 48, 54, 68 and 52, on the plat of said town, and lots numbered 1 and 2 in square 69, lots 4, 5 and 6 in square 49, and lots 9 and 10 in square 67, are excepted out of the provisions of this act, and are hereby reserved from sale.

SEC. 2. The lots hereby authorized to be sold, shall be sold on the same terms, conditions and restrictions as are specified in the second section of the act giving further powers to the agent of state for the town of Indianapolis, and for other purposes, approved February, 12, 1825.

SEC. 3. That all the alleys passing or running through the squares numbered on the plat of said town, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, together with squares numbered 80, 84 and 85, are hereby vacated so far as the same extend through said blocks; and the said agent is hereby authorized and required to sell said squares with the alleys so vacated, on the day aforesaid, on the same terms and conditions, as specified in acts authorizing the sale of out lots in the town of Indianapolis:

Agent & treat.  
to contract for  
the erection of  
a house for the  
Gov., and the  
appropriation  
therefor.

Agent to sell  
certain lots in  
Indianapolis,  
making cer-  
tain reserva-  
tions.

To sell cer-  
tain squares,  
the alleys be-  
ing vacated.



### Agency at Indianapolis.

*Provided however*, the said agent may divide the said squares numbered 80, 84 and 85, previous to the said sale, into as many lots as he may deem necessary for the convenience of purchasers and for the better sale thereof: *Provided however*, that nothing herein contained shall be so construed, as to authorize the sale of any block of lots which may have been leased out by the agent of state for the said town of Indianapolis, if said agent shall think the lessee has not enjoyed the premises a sufficient time to pay such lessee for his improvement made thereon: *Provided also*, that the agent shall not lease out any improvements made on the donation which the improver may not have occupied or possessed a sufficient time, at a fair estimate to compensate him for such improvement.

To reserve certain squares.

Together with the aud. and treas'r to fix minimum price of lots, & to sell lots at private sale.

To reserve certain squares for hospital, &c.

To receive payment for and convey forfeited lots.

SEC. 4. It shall be the duty of the treasurer and auditor of state, together with said agent, previous to the day of sale, to fix upon a minimum price below which said lots shall not sell. And if any lots remain unsold, after having been offered at public sale, the said agent is hereby authorized to dispose of them at private sale, at any time thereafter, at the said minimum price, on the same terms and conditions as herein before specified.

SEC. 5. That the square numbered 22 be, and the same is hereby set apart for the use of a state hospital and lunatic asylum, and square numbered 25, for a state university; and the alleys, so far as they extend through the said blocks, are hereby vacated.

SEC. 6. That all persons who may have failed to avail themselves of the benefit of the provisions of the law of the last session of the General Assembly, passed for the relief of purchasers of lots in the town of Indianapolis, approved—January 20, 1826, be and they are hereby permitted to avail themselves of the provisions of the above named act; and the agent of state is hereby authorized to receive the relinquishment of all said persons, of as many lots so purchased and not paid up for as aforesaid by them, as they may think proper to relinquish; and said agent may receive money in full payment of any or all such lots under the provisions of the act aforesaid, if such persons shall apply to said agent on or before the first of June next. And it shall be the duty of said agent to appraise and sell, not below the minimum price, all such lots in the town of Indianapolis, as are permitted by this act to be relinquished and paid out on or before the first day of June next, if such lots should become forfeited to the state; which sale and appraisement shall be in the same manner and on the same terms as are prescribed by the 4th section of this act, in cases of lots not sold at public sale: *Provided however*, that if any two or more persons shall make application to purchase any lot, which the agent is authorized to sell at pri-

### Appropriations.

vate sale, at the same time he shall sell the same to the highest bidder.

This act to take effect and be in force from and after its passage.

### CHAPTER V.

An Act making general appropriations for the year 1827.

[APPROVED—JANUARY 25, 1827.]

*Be it enacted by the General Assembly of the State of Indiana*, That there be appropriated for defraying the expenses of the present General Assembly, including the pay of the members, secretaries, clerks, door-keepers, stationary, fuel, printing, binding and distributing the laws and journals, and making marginal notes and index to the laws, together with all other expenses incident to the present session, the sum of fourteen thousand five hundred dollars.

Appropriation gen'l for legislative purposes.

For the executive department, the sum of two thousand two hundred dollars.

For the executive.

For the judiciary department, the sum of five thousand six hundred dollars.

For the judiciary.

For the expenses of the penitentiary, including the transportation of convicts, seven hundred and fifty dollars.

For the penitentiary.

For the circuit prosecuting attorneys, the sum of eight hundred dollars.

For the agent at Indianapolis, two hundred dollars.

For military expenses, one hundred dollars.

For defraying the contingent expenses for the year one thousand eight hundred and twenty-seven, the sum of three hundred dollars.

For the payment of specific allowances contained in an act entitled, An act making specific appropriations for the year one thousand eight hundred and twenty-seven, and which are not embraced in the preceding general appropriations, the sum of two thousand five hundred and fifty dollars.

For paying specific appropriations.

This act to take effect and be in force from and after its passage.

### CHAPTER VI.

An Act making Specific Appropriations for the year one thousand eight hundred and twenty-seven.

[APPROVED—JANUARY 26, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the principal and assistant secretary of the Senate, and the principal and assistant clerk of the



# *Appropriations.*

Appropriations to secretaries, clerks, door-keepers, &c.

House of Representatives, shall severally be allowed the sum of three dollars and fifty cents per day; and the enrolling secretary of the Senate, and the enrolling clerk of the House of Representatives, the sum of three dollars and fifty cents per day, for each and every day they may have served as such during the present session. The door-keeper of the Senate, and the door-keeper of the House of Representatives, the sum of two dollars per day, for each and every day they may have served as such during the present session.

To the governor for house rent.

SEC. 2. That his Excellency the Governor be allowed the sum of one hundred and sixty-one dollars ten cents for house rent, from the fourteenth day of February, eighteen hundred and twenty-seven, to the sixth day of December, eighteen hundred and twenty-seven.

That Isaac Shelby be allowed twenty-five dollars, for his services as brigade major in the year 1819 and 1820.

To T. Hoglin.

That Thomas Hogland be allowed seven dollars and ninety-five cents, for attendance on the supreme court, and furnishing fuel at their May term eighteen hundred and twenty-five.

To G. White.

That George White former agent of the state prison, be allowed forty-five dollars and forty-five cents for sundries furnished for the use of the state prison.

That there shall be allowed to James Ward, for chairs and locks purchased for the use of the House of Representatives, the sum of thirty-four dollars and fifty cents.

To Douglass & Maguire.

That there shall be allowed to Douglass and Maguire, for stationary and candles furnished the General Assembly during their present session, the sum of two hundred and twenty-six dollars fifty-seven cents.

That there shall be allowed to Robert Patterson, for fuel furnished for the use of the present General Assembly, the sum of one dollar and twenty-five cents per day.

That there shall be allowed to Samuel Downing, for his services as sergeant-at-arms, the sum of three dollars per day during his attendance on the present session of the General Assembly.

That John H. Farnham, the sum of twenty dollars, for defending Thomas H. Roberts, a justice of the peace, by direction of the Senate, in a case of impeachment, during the present session.

To S. C. Stevens.

That there shall be allowed to Stephen C. Stevens, the sum of twenty-six dollars and forty-six cents, for professional services, in collecting the revenue from the collector of Switzerland county in the year one thousand eight hundred and twenty-four.

To J. Cain.

That there shall be allowed to John Cain, for blank books furnished the auditor of public accounts, the sum of twenty-four dollars.

# *Appropriations.*

That there shall be allowed to the Secretary of State, for copying the laws for the printer, making marginal notes, superintending the printing of the laws and journals, and packing up the same for distribution, in addition to his salary, the sum of one hundred dollars, which shall be taken in full for all allowances to be made for extra services required of him by law to perform, and for which there is no fee allowed by law.

That the further sum of six hundred dollars, be and the same is hereby appropriated towards the procuring of maps, tract books, &c. agreeably to the provisions of the revenue laws on that subject. For procuring maps, &c.

That there shall be allowed to Thomas Townsend out of that part of the three per cent fund appropriated to open the road from Lawrenceburg to Indianapolis, the sum of thirty-seven dollars fifty cents for damages allowed him on account of the road running through his apple orchard, and the agent of the three per cent fund is hereby directed to pay the same in the same manner as he would be authorized by law to do if said Townsend's certificate had not been lost. T. Townsend.

That the auditor of public accounts be and he is hereby authorized to allow those persons who have been employed to copy the tract books and maps from the several counties, pay at the same rates as has been or may be paid to the registers of the several land offices for the original tract books and maps, out of the moneys appropriated for that purpose. For copies of maps, &c.

That John Brown, collector of Spencer county, for the revenue of eighteen hundred and twenty-six, for money overpaid by him into the treasury, be allowed the sum of fifty-six dollars and nineteen and an half cents. To J. Brown.

That John Douglass be allowed the sum of eighty-five cents, for candles furnished for the use of the Senate.

That Harvey Bates be allowed eight dollars and seventy-five cents, for sundry articles furnished for the use of the Senate. To H. Bates.

That S. Sedwick be allowed three dollars and six and a fourth cents, for repairs made to the Senate chamber.

That Hall and Luse be allowed forty-seven dollars for a press, and also for a double desk for the use of the Senate. Hall & Luse.

That S. S. Rooker be allowed three dollars, for glazing and lights furnished the Senate chamber.

That Harbin H. Moore, Speaker of the House of Representatives, be allowed three dollars and fifty cents for postage paid by him on public letters during this session.

That B. F. Wallace be allowed five dollars for assessing the state tax in the territory west of Bartholomew county, and east of Monroe county, for the year eighteen hundred and twenty-six. B. F. Wallace.



To R. Stott. That Richard Stott, collector of Jennings county, be allowed the sum of two dollars and thirty-one cents, which was paid into the state treasury in eighteen hundred and twenty-five by mistake.

That Thomas Harvey be allowed six dollars eighty-eight cents, for two days attendance as a witness on the part of the state, on the trial of Isaiah Cooper, and travelling one hundred twenty-two miles to and from the same.

B. I. Blythe. That Benjamin I. Blythe be allowed the sum of fifty-one dollars fifty-four cents, for blank books, desk, book case, paper and carriage of the same from Cincinnati, for the use of his agency, to be paid out of the moneys from sales of lots in the town of Indianapolis.

S. W. Dye. That Stephen W. Dye be allowed five dollars sixty-two and a half cents, for thirty pounds of candles furnished the last General Assembly.

J. Emmerson. That Jesse Emmerson, be allowed twenty dollars for renting seminary lands in Gibson county, and collecting the moneys arising from the same, and superintending the township generally, out of the moneys now in his hands belonging to the state seminary.

To J. Blair. That James Blair be allowed eight dollars nineteen cents, for ninety-one lights of glass furnished for the court house.

That Andrew Sloan be allowed four dollars fifty-five cents, for setting ninety-one lights in the court house at Indianapolis.

To P. Allen. That Peleg Allen be allowed one dollar ninety-two cents the amount paid by him to the collector of Posey county, for the year 1826, as tax on land not subject to taxation.

That Jacob Bence be allowed the sum of fifteen dollars forty cents, for five days attendance as a witness on the trial of Thomas H. Roberts, including travelling one hundred and thirty miles.

That Preston F. Tuley be allowed the sum of fifteen dollars, for five days attendance as a witness on the trial of said Roberts, including one hundred and twenty five miles travelling.

That Reuben W. Nelson be allowed ten dollars for ten days attendance on the trial of said Roberts as a witness aforesaid.

J. Woodfill. That Joseph Woodfill be allowed thirteen dollars and ninety-six cents, for five days attendance including one hundred and twelve miles travelling.

That Marston G. Clark be allowed the sum of twenty-five dollars for moneys by him expended in travelling to and returning from Vincennes in the year eighteen hundred and twenty-one, and attending to the examination of the state bank at Vincennes, under the appointment and direction of the legislature of this state.

That Samuel Merrill, treasurer of state, be allowed a sum not exceeding thirty dollars, for painting done and to be done to the house and offices built for the auditor and treasurer.

That Lismund Basye be allowed the sum of one hundred and twenty eight dollars and fifteen cents, for a back building erected by said Basye on the court house square in Indianapolis.

All the above specified allowances shall be audited by the auditor and paid by the treasurer, as by this act is contemplated, out of any money in the treasury appropriated to defray the expenses of the present session of the legislature or incidental expenses.

This act to be in force from and after its passage.

## CHAPTER VII.

An Act making an appropriation to pay the debt due from this state to the United States.

[APPROVED—DECEMBER 30, 1826.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the sum of two thousand four hundred and thirty-five dollars and twelve cents, be and the same is hereby appropriated to pay the debt due the United States as Assignee of the Bank of Vincennes, including principal and interest; and the auditor is hereby directed to audit said amount, and the treasurer directed to pay the same to John C. S. Harrison of Vincennes, out of any money in the treasury not otherwise appropriated, and to take duplicate receipts from him therefor, as agent for the United States, for the amount so paid to him.

Appropriation to pay state debt.

SEC. 2. That the treasurer is hereby directed so soon as he shall have paid the amount hereby appropriated in the first section of this act, to forward to the Secretary of the Treasury of the United States, a notice of such payment with one of the receipts taken from the said John C. S. Harrison, and to retain the other in his office as a voucher for the security of the state.

Treasurer to notify Sec'y Treas'y U.S.

This act to take effect and be in force from and after its passage.

## CHAPTER VIII.

An Act to establish the Eastern boundary of Henry county.

[APPROVED—JANUARY 26, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the permanent line dividing the counties



Line between  
Wayne and  
Henry chang-  
ed.

of Wayne and Henry shall run as follows, to wit: Beginning at the south west corner of section thirty-two, town sixteen, north of range twelve east, thence north to the township line dividing towns sixteen and seventeen, thence east to the south east corner of section thirty-two, township seventeen, range twelve, thence north to the north east corner of section twenty, town eighteen, range twelve, thence west to the range line dividing eleven and twelve, thence north to the northern boundary of Henry county.

SEC. 2. All suits, pleas, complaints, prosecutions and other proceedings now pending in any court of record, or justices court, in the county of Wayne, shall be carried on to final judgment and execution; and all revenue due the county of Wayne, shall be collected and paid over in the same manner as if no change had taken place.

This act to take effect and be in force from and after its passage.

## CHAPTER IX.

An Act attaching part of the county of Perry to the county of Crawford.  
[APPROVED—JANUARY 23, 1827.]

Line between  
Crawford and  
Perry chang-  
ed.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That all that part of the county of Perry included within the following bounds, to wit: Beginning at the north east corner of Perry county, thence south four miles, thence west six miles, thence north four miles to the Crawford county line, thence east to the place of beginning, be and the same is hereby attached to the county of Crawford.

SEC. 2. All suits, pleas, complaints, and prosecutions commenced within the bounds of the county attached as above shall be prosecuted to final judgment; and all taxes and fines due and unpaid, shall be collected in the same manner as though this act had not been passed.

Militia at-  
tached to  
Crawford.

SEC. 3. All persons liable to perform militia duty within the bounds aforesaid, are hereby attached to the said county of Crawford for military purposes.

## CHAPTER X.

An Act for the organization of Delaware county.  
[APPROVED—JANUARY 26, 1827.]

Boundaries of  
Delaware.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That all that tract of country included in the following boundaries, shall form and constitute a new county, to be known and designated by the name of the county of Delaware, viz: Beginning at the north east corner of

Henry county, thence due north with the western boundary of Randolph to the north east corner of section numbered eight, township No. twenty-two, north of range No. twelve east, thence west to the north east corner of section No. eleven, township No. twenty-two, north of range No. eight east, thence south to the north west corner of Henry county, and thence east with the northern boundary of said county, to the place of beginning.

SEC. 2. The said county of Delaware shall from and after the first day of April next, enjoy all the rights privileges and jurisdiction which to separate and independent counties do or may properly belong or appertain.

Delaware  
county organ-  
ized.

SEC. 3. Elias Poston of Rush county, Jonathan Platts of Wayne county, Martin Adkins of Decatur county, Joseph Craft of Henry county, and William Smith of Randolph county, are hereby appointed commissioners agreeable to the act, entitled "An act for fixing the seat of justice in all new counties hereafter to be laid off;" the said commissioners shall meet at the house of Goldsmith Gilbert, in the said county of Delaware, on the second Monday in June next, and shall immediately proceed to discharge the duties assigned them by law. It is hereby made the duty of the sheriff of Randolph county, to notify said commissioners either in person or in writing, of their appointment, on or before the first Monday in June next, for which he shall receive such compensation out of the county treasury of said county of Delaware, as the board of justices thereof may deem just and reasonable, to be ordered and paid as other county claims are.

Com'rs nam-  
ed to fix seat  
of justice.

SEC. 4. The county board of justices of said new county, shall within twelve months after the permanent seat of justice shall have been selected, proceed to erect the necessary public buildings thereon.

Board of just-  
ices to erect  
public build-  
ings.

SEC. 5. That all suits, pleas, complaints, actions, prosecutions and proceedings, heretofore commenced and pending within the limits of said new county of Delaware, shall be prosecuted to final issue in the same manner, and the state and county taxes which may be due on the first Monday in June next, within the bounds of said county, shall be collected and paid in the same manner and by the same officers as if this act had not been passed.

Reservation  
as to suits and  
taxes.

SEC. 6. The county board of justices shall meet at the house of Goldsmith Gilbert, in said county, on the first Monday in August next, and then and there proceed to do and transact all such necessary business as may be required by law.

Board of just-  
ices, their  
place of meet-  
ing.

SEC. 7. The said county of Delaware shall be attached to the representative district composed of the counties of Allen and Randolph, and to the Senatorial district composed of the counties of Rush, Henry, Randolph and Allen;

Delaware at-  
tached to Re-  
presentative  
district.



and that all that district of country heretofore known as the county of Delaware, yet unorganized, be hereafter called and known by the name of the county of Adams.

## CHAPTER XI.

An Act for the formation of a new county out of the county of Wabash.  
[APPROVED—JANUARY 19, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the first day of March next, all that part of the county of Wabash contained within the following boundaries, shall form and constitute a new county to be designated the county of Warren, to wit: Beginning at the north east corner of Vermillion county, on the Wabash river, thence west to the state line, thence north to the line dividing townships twenty-three and twenty-four, thence east with said line to the western line of Tippecanoe county, thence south on the said western line of Tippecanoe county to the Wabash river, and thence with the meanders of said river to the place of beginning.

SEC. 2. The said new county shall from and after the said first day of March next, enjoy all the rights, privileges and jurisdictions which to separate and independent counties properly appertain.

SEC. 3. Daniel Sigler of Putnam county, James Strange of Park county, Thomas Lampson of Montgomery county, James Paige of Tippecanoe county, and Robert Wilson of Vigo county, are hereby appointed commissioners for the purpose of fixing the permanent seat of justice in said new county, agreeably to the provisions of an act, entitled "An act for fixing the seats of justice in all new counties hereafter to be laid off." The commissioners above named, or a majority of them shall convene at the house of Enoch Farmer in said new county, on the first Monday in June next, and proceed to the discharge of the duties assigned them by law.

SEC. 4. It shall be the duty of the sheriff of Fountain county, to notify the commissioners herein above named either in person, or by written notification of their appointment, on or before the tenth day of April next; and for such service the board of justices of the said new county shall allow him a reasonable compensation, payable out of the county treasury thereof.

SEC. 5. The circuit and other courts of the said new county of Warren, shall be held at the house of Enoch Farmer in said county, or at any other place therein the said courts may adjourn to, until suitable accommodations can

be had at the seat of justice of said county, when the courts shall adjourn to meet there.

SEC. 6. The agent who shall be appointed to superintend the sale of lots at the county seat of the said new county of Warren, shall reserve ten per centum out of the proceeds thereof, and also ten per centum out of all donations to said county, and shall pay the same over to such person or persons as may be appointed according to law to receive the same for the use of a county library for said new county.

SEC. 7. It shall be the duty of the qualified voters of the said new county of Warren, at the time of electing a clerk, recorder and associate judges for the said county, to elect five justices of the peace within and for said county, who shall constitute a board for transacting as well the duties heretofore devolving on the board of commissioners as other regular county business.

SEC. 8. The said new county of Warren is hereby attached to the county of Fountain, until otherwise provided, for all judicial purposes, except what may be within the jurisdiction of a justice of the peace.

This act to take effect and be in force from and after the first day of March next.

## CHAPTER XII.

An Act to amend the act, entitled "An act regulating the mode of doing county business."

[APPROVED—JANUARY 26, 1827.]

*Be it enacted by the General Assembly of the State of Indiana*, That the boards of justices, or other persons doing county business in the several counties within this state, are hereby authorized to do and transact all and any business which they may have omitted to do at any regular session at their next ensuing or any future session thereafter; and the business so performed shall be deemed as valid to all intents and purposes whatsoever as if the same had been done at the regular session to which it properly belonged.

County business neglected at one session may be done at the next.

## CHAPTER XIII.

An Act regulating the manner of doing county business in certain counties therein named, and also to elect township officers.

[APPROVED—JANUARY 26, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be and hereby is organized in the counties of Franklin, Fayette, Union, Henry, Rush, Shelby, Greene, Vigo, Park, Vermillion and Montgome-

County business transacted by com'rs



in certain  
counties.

Mode of elect-  
ing com'rs, &  
their term of  
service.

ry, a board of county commissioners for transacting county business, to consist of three qualified electors, any two of whom shall be competent to do business, to be elected by the qualified electors of the said several counties respectively, at the time of holding general elections; one of whom shall be elected annually, to continue in office three years and until their successors are chosen and qualified.

SEC. 2. At the first election in pursuance of this act, there shall be elected three commissioners; the person having the highest number of votes shall serve for three years; the person having the next highest number of votes shall serve two years, and the person having the next highest number of votes shall serve one year; but if two or more shall be equal in number, their grade shall be determined by lot, and at all subsequent elections where there shall be more than one vacancy, the term of service of the person elected shall be determined by the same rule.

Mode of certi-  
fying election  
of com'rs.

SEC. 3. Each person elected as a commissioner shall on receiving a certificate of his election, take the oath or affirmation required by the constitution of this state, before some person legally authorized to administer the same, which oath or affirmation being certified on the back of such certificate, under the hand and seal of the person administering the same, shall be sufficient authority for such commissioner to take his seat with and act as a member of the board during the time for which he is elected, and until his successor shall be qualified or sworn into office.

Com'rs decla-  
red a body  
corporate.

SEC. 4. The commissioners thus elected and qualified, shall be considered a body politic and corporate, by and under the name and style of the board of commissioners of the county of \_\_\_\_\_ and as such, and by and under such name and style may sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto in any court either of law or equity, and do and transact all business on behalf of their respective counties that may be assigned them from time to time by law; and in all cases where their county may or shall have heretofore been injured, or hereafter be injured in its goods, chattels, lands, tenements, rights, credits, effects or contracts, such commissioners shall and may by and under their corporate name and style (without setting out their individual names) bring any suit or suits, action or actions, either in law or equity, which may be best calculated to obtain redress for any such injury, in the same way and manner that a private individual might or could do and may in the like way and manner, by and under their corporate name and style be sued by any person or persons having any manner of claim against any such county.

SEC. 5. The board of commissioners shall meet at the court house in each and every county heretofore named for

the purpose aforesaid, on the first Monday in January, May, August and November, in each and every year, and shall continue in session three days at each meeting if the business require it: *Provided however*, if the circuit court shall meet on any of the before mentioned days, the commissioners shall not meet until the Monday following.

SEC. 6. The clerk of the circuit court shall by virtue of his office attend the meetings of the board of commissioners, and keep a record of their proceedings, and do such other business as he shall be required by law to do; and the sheriff of the county shall also by himself or deputy attend said board and execute their orders.

SEC. 7. When any two commissioners shall be present at the meeting of the board, and a division shall take place on any question, it shall be continued until their next meeting before it shall be finally determined.

Questions to  
be adjourned  
in case of divi-  
sion.

SEC. 8. When any vacancy shall happen in the office of commissioner, the circuit court of the county, or the two associate judges in vacation, shall appoint a suitable person or persons to fill such vacancy, until the next annual election of commissioners, when such vacancy shall be filled by an election of the electors of the county.

Vacancies,  
how filled.

SEC. 9. It shall be the duty of the board of commissioners at their May session, in each year, to receive and inspect the lister's books, and levy a county tax according to law, and cause their clerks to make out a duplicate for collection accordingly.

Duty of com'rs  
respecting the  
revenue.

SEC. 10. It shall be the duty of the board of commissioners, at their November session in each year, to make out a fair and accurate statement of the receipts and expenditures of the county for that year, and have the same set up at the court house door, and published in some newspaper printed in the county if there be one.

SEC. 11. In all cases when the board of commissioners shall organize themselves into a county board under the provisions of this act, the powers and authority heretofore given to the county board of justices, shall from that time be transferred to said board; and from and after the first Monday in August next, the powers and authority heretofore given to said county board of justices, shall be revoked and annulled; and all the books, papers, records, and unfinished business shall be delivered to the board of commissioners.

Power of  
boards of jus-  
tices transfer-  
red to com'rs.

SEC. 12. All suits, pleas, complaints, prosecutions and proceedings, which may be pending in any court in the counties heretofore mentioned to be tried for or against any county board of justices, previous to the taking effect of this act, shall be prosecuted to final judgment and execution, in the same name and manner as the same might have been done had this law not have been passed; and all con-

Reservation as  
to jurisdiction  
and suits.



tracts either written or verbal made by such county board of justices, previous to the taking effect of this act, shall remain valid in fact, law and equity, and suit may be thereupon brought in the same way and manner as the same might have been had this act not have been passed, with this difference, that the corporate name of the board of commissioners shall be used instead of the name of the county board of justices.

Commissioners to have a seal.

SEC. 13. The commissioners of the several counties heretofore named, shall have and use a common seal for the purpose of sealing their proceedings, and copies of the same when signed and sealed by the said commissioners, and attested by their clerks, shall be good evidence of such proceedings on the trial of any cause in any of the courts in the different counties heretofore named; and if the said commissioners, after accepting their appointment, shall neglect or refuse to do his or their duty in office, he or they so offending, shall on conviction by indictment in the circuit court of the proper county, be fined for any such offence in any sum not exceeding one hundred dollars.

Penalty against com'rs for neglect of duty.

SEC. 14. That all the powers and privileges vested in, and duties required of the county board of justices in the several counties heretofore named, shall be and the same are hereby transferred to and vested in the board of commissioners created by this act; and such board of commissioners is hereby required and empowered to do and perform all such matters and things in every particular whatever, as the county board of justices are required to do or perform; any thing heretofore contained to the contrary notwithstanding.

SEC. 15. All laws governing, or in any wise relating to the county board of justices, shall be taken and deemed as laws to govern and relate to the board of commissioners created under the provisions of this act, except the appointment of township officers.

Township officers to be elected in certain counties.

SEC. 16. That the qualified voters residing within the several townships of the counties heretofore named, shall meet together at the usual places of holding general township elections, on the first Monday in April next, and annually on the first Monday in April thereafter, for the purpose of electing as many constables in each township as there are justices of the peace within the same; and shall at the same time elect one inspector of elections for each township, two fence-viewers, two overseers of the poor, and as many supervisors of public highways as there are now or may hereafter be allotted to the respective townships by the proper board of commissioners.

SEC. 17. The above named township officers to have the same qualifications and perform the same duties as are required of such officers by the laws now in force; the said

township elections to be held and conducted in the same manner that general and township elections are now held and conducted, and the constables shall give such bond and security for the performance of their duty as are now required by law.

SEC. 18. That the board of commissioners shall so soon as may be after the first election in the several counties heretofore named, divide the townships into as many highway districts as they may deem necessary, which districts shall be designated and numbered in numerical order, and recorded by the clerk of the board of commissioners. Where any vacancy shall happen in any of the township officers, the board of commissioners shall at their next session appoint a suitable person or persons to fill such vacancy, until the next annual election for township officers, when such vacancy shall be filled by an election of the electors of the township.

Further duty of com'rs.

SEC. 19. That the board of commissioners shall be allowed the sum of one dollar and twenty-five cents and no more per day each, while engaged in the duties of their office, as a compensation for their services, to be paid out of the county treasury.

Their compensation.

SEC. 20. Each township in selecting their supervisors, shall elect one supervisor in each of the said road districts; and it shall be the duty of the said inspectors of elections in each township, within three days after such election, to make out and deliver to the clerk of the circuit court a list of the several township officers, whose duty it shall be to make out certificates of the election of the person or persons elected, and the sheriff of said county shall deliver the same to all the township officers thus elected.

SEC. 21. That so much of the act, entitled "An act to authorize the several townships in certain counties herein named, to elect township officers and for other purposes"—Approved, January 19, 1826, so far as relates to Franklin county, be and the same is hereby repealed. That so much of this act as relates to the board of commissioners, shall take effect and be in force from and after the first Monday in August next; and so much as relates to the election of township officers shall be in force from and after the publication thereof.

SEC. 22. All duties required by law to be performed by the board of justices at their terms, in any month in which the board of county commissioners is not required to sit, shall be performed by the board of commissioners at their next session.

SEC. 23. The provisions of this act so far as they relate to the election of township officers, shall not be extended to or be in force in the county of Vigo. And it shall be the duty of the board of commissioners to appoint all such offi-



cers as are herein authorized, to be elected in the several townships in said county, in the same way and manner that similar appointments are now made by the board of justices.

#### CHAPTER XIV.

An Act to extend a certain law therein named.

[APPROVED—JANUARY 25, 1827.]

Mode of trans-  
acting county  
business changed  
in Swit-  
zerland and  
Ripley.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act incorporating the several townships in the county of Dearborn, approved February 7, 1825, be and the same is hereby extended to the counties of Switzerland and Ripley, and deemed to have the same force and effect within said counties from and after the first day of March next, in the like manner as it would have had, had the aforesaid counties been named in said act.

SEC. 2. The first elections under this act, and the act by this act extending as aforesaid, shall be held in the respective townships, on the first Monday of April next, and annually thereafter on the first Monday of March.

SEC. 3. All suits, pleas, complaints, prosecutions, motions and proceedings, which may be pending in any court in this state at the time of taking effect of this act, for or against the board of county commissioners, or board of county justices, or other persons authorized to do county business in said counties respectively, shall be prosecuted to final judgment and execution in the same name, way and manner as the same might or could have been done had this act not have been passed; and all contracts, either written or verbal, made by any such board of county commissioners, board of justices, or other persons authorized to do county business, previous to the taking effect of this act, shall remain valid in the same way and manner as the same would have been and remained, had not this act been passed, with this difference only, that the corporate name of the persons authorized to do county business under this act, and the act by this act extended, shall be used instead of the corporate name of the county commissioners, or board of county justices, or other persons authorized to do county business.

SEC. 4. The act, entitled "An act to authorize the several townships in certain counties herein named, to elect township officers and for other purposes"—Approved January 19, 1826, be and the same is hereby repealed: *Provided however*, That it is hereby expressly understood, that all officers legally elected and qualified to act under the provisions of the act by this act, repealed as aforesaid, shall remain in office until successors are elected or appointed, and

qualified to act. And all legal acts done and performed under the provisions of the above recited act which is hereby repealed, shall remain as good and valid in law and equity, as the same would have remained had not this act been passed. And all legal bonds, bargains and covenants, entered into and made, and all legal liabilities, forfeitures and penalties incurred under the provisions of the above recited act, shall not in any way be affected by the repeal of said act. And all other acts and parts of acts coming within the purview of this act shall be, and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

#### CHAPTER XV.

An Act to authorize the Board of Justices of Ripley county to appoint a Lister in Brown township, in said county.

[APPROVED—DECEMBER 19, 1826.]

*Be it enacted by the General Assembly of the State of Indiana*, That the board of justices of Ripley county, be and they are hereby authorized to appoint a lister in Brown township, in said county, at their January session, in the year eighteen hundred and twenty-seven, whose duty it shall be to assess the taxable property in said township, for the year eighteen hundred and twenty-seven.

This act to be in force from and after its passage.

B. J. of Ripley  
to appoint a  
lister for  
Brown town-  
ship at their  
January ses-  
sion, 1827.

#### CHAPTER XVI.

An Act requiring the Board of Justices of Washington county to fix on a place for holding circuit courts.

[APPROVED—JANUARY 11, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of justices for the county of Washington, be required on or before the first Monday in March next, to assemble, and by a vote of a majority of a quorum of their body, to fix on a building in the town of Salem, for the holding of the circuit courts of said county, and by contract or agreement with the owners or managers of any building in said town, procure the use of such building for the purposes aforesaid, and the amount allowed for such use shall be paid out of the county funds.

SEC. 2. *Be it further enacted*, That all writs and every kind of process whatever, now made returnable to the circuit court of said county at the court house, shall be deemed and taken to be returnable to such place and building as the county board of justices above named shall fix upon.

This act to be in force from and after its passage.

B. J. of Wash-  
ington to fix  
place of hold-  
ing courts.



## CHAPTER XVII.

An Act to amend "An act organizing Circuit Courts, and defining their powers and duties"—Approved January 30, 1827. And also to amend an act, entitled "An act concerning prosecuting attorneys"—Approved January 20, 1824.

[APPROVED—DECEMBER 28, 1826.]

Mode of ap-  
pointing pros-  
ecuting attor-  
neys changed.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the acts to which this is an amendment, as authorizes the Governor to appoint a circuit prosecuting attorney, or to appoint by and with the advice of the Senate, be and the same is hereby repealed; and all circuit prosecuting attorneys shall hereafter be appointed by a joint ballot of the Senate and House of Representatives, who shall hold their offices for the term of two years from and after such election.

Salary reduc-  
ed.

SEC. 2. Each prosecuting attorney shall receive as a salary, the sum of one hundred and fifty dollars per annum, except the prosecuting attorney in the fifth circuit who shall receive the sum of two hundred dollars per annum.

This act to take effect and be in force from and after its passage.

## CHAPTER XVIII.

An Act, to amend an act entitled, "An act to regulate the Judicial Circuits, and fixing the times of holding courts"—Approved, January 14, 1824.

[APPROVED—JANUARY 27, 1827.]

Tippecanoe  
attached to 1st  
circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county of Tippecanoe be attached to the first judicial circuit, and that the circuit courts be holden in said county on the first Mondays in June and November.

Times of hold-  
ing in Scott &  
Floyd.

SEC. 2. That the circuit courts of Scott county, in the second judicial circuit, shall be holden on the fourth Monday in February and third Monday in July, and at the February term the court shall sit two weeks if the business require it; and in the county of Floyd, on the fourth Monday in May and first Monday in October.

Times of hold-  
ing in 5th cir-  
cuit.

SEC. 3. The courts in the fifth judicial circuit shall be held on the days and times following, that is to say: in the county of Hendricks, on the Thursdays preceding the fourth Mondays in February and August; in the county of Morgan, on the fourth Mondays in February and August; in the county of Monroe, on the Thursdays succeeding the courts in Morgan; in the county of Bartholomew, on the second Mondays in March and September; in the county of Johnson, on the third Mondays in March and September; in the county of Shelby, on the fourth Mondays of

March and September; in the county of Decatur, on the Thursdays succeeding the courts in Shelby; in the county of Rush, on the first Mondays in April and October; in the county of Henry, on the second Mondays in April and October; in the county of Madison, on the Thursdays succeeding the courts in Henry; in the county of Hamilton, on the third Mondays of April and October; in the county of Marion, on the fourth Mondays in April and October. The courts in the county of Monroe shall sit nine days if the business require it; the courts in the counties of Bartholomew, Rush and Marion, shall sit six days if the business require it; and the courts in the other counties in the circuit shall sit three days if the business require it.

SEC. 4. The county of Delaware shall be and the same is hereby attached to the county of Randolph, for judicial purposes, any law to the contrary notwithstanding.

SEC. 5. All suits, pleas, complaints, writs, recognizances and prosecutions whatever, which were by virtue of the act to which this is an amendment, or any act or law, returnable to any other day or time than the days and times herein named for holding circuit courts, be and the same are hereby made returnable at the days and times herein specified for holding circuit courts in the several counties therein named. All acts or parts of acts contravening the provisions of this act, are hereby repealed.

This act to take effect and be in force from and after its publication in the Indiana Journal.

## CHAPTER XIX.

An Act to repeal an act entitled, "An act to authorize called sessions of the Circuit Courts."

[APPROVED—JANUARY 11, 1827.]

*Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "An act to authorize called sessions of the Circuit courts"—Approved February 12, 1825, be, and the same is hereby repealed.

This act to take effect from and after its publication in the Indiana Journal.

## CHAPTER XX.

An Act to provide for recording brands, ear marks, and for posting Estrays in the counties therein named, and for other purposes.

[APPROVED—JANUARY 24, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the township clerks of the several townships in the counties hereinafter named, shall record the



Township clerk marks and brands on horses, mules, asses, neat cattle, swine, sheep, or other animals, for all persons applying for the same within their respective townships, in the same way and manner, that those marks and brands are directed by the general law on the subject, to be recorded by the clerks of the circuit courts. And the said township clerks are hereby required to observe and perform all the duties to be done and performed by the clerks of the circuit courts; and such recording by the said township clerks shall have the same force and effect as though it was done by the clerk of the circuit court; and the clerks of the circuit courts in said counties are hereby prohibited from recording any such marks and brands. And the said township clerks shall be severally entitled to demand and receive for every mark or brand so as aforesaid by them recorded, the sum of twelve and one half cents from the person applying for the same to be done.

SEC. 2. All estrays, (horses, moles and asses excepted) which shall hereafter be taken up according to law, in any of the said counties hereinafter mentioned, and advertised and appraised as the law directs, shall be posted by the clerk of the townships in which such estray shall be taken up, and the justice of the peace before whom such appraisalment shall be made, is hereby required to forward a copy of the description and appraisalment of any such estray or estrays, to the clerk of the proper township, instead of the clerk of the circuit court, together with the fee allowed by law for posting such estray or estrays; and it is hereby made the duty of the clerk of any such township, to do and perform all the duties required by the general law of the land, to be done and performed by the clerks of the circuit courts respecting estrays, except as herein otherwise provided; and it is hereby made their duty to have a list of all estrays with their proper description as returned to them, to be posted up in a fair hand writing at the place of holding elections in his township, on each election day, and on all other public days; and for failing to comply with the duties herein enjoined, the township clerks shall severally be subject to the same penalties that the clerks of the several circuit courts would severally be subject to for like failures.

SEC. 3. It shall be the duty of the trustees of the several townships respectively, to provide the necessary books for the use of the township clerk, to enable such clerk to perform the duties required by this act, at the expense of their townships respectively.

SEC. 4. The operation of this act shall extend to the counties of Dearborn and Swizerland and no others.

SEC. 5. That whenever a vacancy shall happen in the office of justice of the peace in any township in the coun-

ty of Dearborn, by death, resignation, removal or otherwise, it shall be the duty of the trustees of such township, to give notice of an election to fill such vacancy, to be held at such time as they shall designate, which notices shall be put up in four of the most public places in such township, at least fifteen days before such election; and the election shall be governed and regulated in the same manner as is now directed by law in cases of election of justices of the peace.

This act to take effect and be in force from and after its passage.

## CHAPTER XXI.

An Act to amend an act, entitled "An act regulating the fees of the several officers and persons therein named"—Approved, January 30, 1824.

[APPROVED—JANUARY 26, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That no officer shall hereafter be authorized or allowed to issue or collect in a summary manner, a fee bill for any services rendered after the expiration of three years from the date of such services; but said officer shall resort to his suit to recover and collect the same as in common cases for work and labor; nor shall such officer recover in any case, nor collect any fee bill, unless he has complied with the third section of the act to which this is an amendment: *Provided however,* That no money shall be collected for fee bills or fees under any circumstances, where the person or persons charged with such fees can set up offsets against the same, or against the person who had power to issue the same in whatsoever name or right such fee bills or claims may appear; but in all such cases, the officer or person claiming the same, may institute suit and proceed to final judgment or determination against such offsets, and with proof of services before any court of competent jurisdiction as in other cases of debt or assumpsit.

SEC. 2. The clerk of the supreme court shall not hereafter make out or charge for a copy of a record, unless requested so to do by one or other of the parties.

SEC. 3. No officer shall hereafter be authorized to issue a second fee bill containing charges for the same services embraced in any fee bills previously issued, unless the one first issued has been returned not satisfied, or proof filed, that such return would be true, and all the liabilities and forfeitures provided in the act to which this is an amendment, shall apply to every violation of this act.

SEC. 4. The clerks of the supreme and circuit courts shall be allowed to charge twelve and a half cents for eve-

Vacancy of J. P. how filled in Dearborn.

No fee bill to issue after the expiration of three years.

Set-offs against fee bills provided for.

Clerk S. Court restricted as to his fees.

Second fee bill prohibited lest upon return of nulla bona.



ry hundred words contained in any bond, writ, obligation, or other writing, required by law to be done by such officer, and for which there is no specific allowance provided in the act to which this is an amendment.

SEC. 5. All laws and parts of laws contravening the enactments herein contained, shall be and the same are hereby repealed.

## CHAPTER XXII.

An Act in addition to an act, entitled "An act regulating the fees of the several officers therein named"—Approved, January 30, 1824.

[APPROVED—JANUARY 26, 1827.]

Mode of investigating disputed fee bills.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever a fee bill shall be hereafter issued for collection, and the person or persons against whom such fee bill may issue, shall make oath before the officer having the same for collection, (and who is hereby authorized to administer said oath) that the said fee bill contains illegal charges, or that it is either in whole or in part paid, or that the person or persons in whose favor said bill may be issued, is indebted to him, in such case it shall be, and it is hereby made the duty of such officer, to return such fee bill to some justice of the peace who can legally judge between the parties, who shall on the receipt of such fee bill, enter the same on his docket in like manner as an original suit; whereupon such justice shall proceed to the trial of said cause in the same manner, and under the same rules and regulations as he would by law be authorized to do were the same an original suit commenced before him, and render judgment and issue execution thereon as justice and equity may require: *Provided however*, That the party in whose favor such fee bill may have been so issued, shall have three days notice of the time and place of trial before the said justice shall proceed to act thereon.

SEC. 2. That should it appear on such trial that such fee bill does contain illegal charges, the person or persons in whose favor such fee bills may have been issued, shall pay all the costs accruing on such trial, and on neglect or refusal so to do execution shall issue therefor accordingly: *Provided however*, That persons feeling themselves aggrieved by the decision of such justice under the provisions of this act shall have the right of appeal to the circuit court in the same way and manner as in other cases.

SEC. 3. So much of the act, entitled "An act regulating the fees of the several officers therein named"—Approved January 30, 1824, as comes within the purview of this act, be and the same is hereby repealed.

## CHAPTER XXIII.

An Act to authorize Robert R. Roberts and others to keep a public ferry on the West Fork of White river, in Owen county.

[APPROVED—JANUARY 19, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall and may be lawful for Robert R. Roberts, &c. authorized to keep a ferry. Roberts of Lawrence county, Daniel Rawlins and Daniel Anderson of Monroe county, to keep or cause to be kept a public ferry on the West Fork of White river, in Owen county, at the same place and on the same land on which Adam Brenton has formerly kept a public ferry.

SEC. 2. That it shall be the duty of the said Robert R. Roberts, Daniel Rawlins and Daniel Anderson, or at least two of them, previously to their exercising any rights or privileges granted to them by this act, to keep a public ferry as aforesaid, to enter into bond with security to the state of Indiana, in the sum of five hundred dollars, conditioned for the faithful discharge of the several duties required of ferrymen, by an act, entitled "An act to establish and regulate ferries"—Approved, January 14, 1824; and which bond shall be filed in the clerk's office of Owen county, to be prosecuted in the same manner as other public bonds for a breach of the condition thereof.

SEC. 3. That it shall be lawful for the person or persons keeping the ferry aforesaid, to ask and receive as fees, as high rates as are paid for similar services at the ferry in Indianapolis.

This act shall take effect and be in force from and after its passage.

## CHAPTER XXIV.

An Act in aid of the corporation of the president and trustees of the town of Jeffersonville.

[APPROVED—JANUARY 26, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the president and trustees of the town of Jeffersonville, be and they are hereby authorized to assess annual taxes on the lots within the corporate limits of said town, not exceeding the rate of fifty cents in the hundred dollars of valuation, exclusive of improvements, the said valuation to be taken from the valuation made under the revenue laws of the state of Indiana, for the purpose of raising a county revenue in the county of Clark, which said taxes so assessed as aforesaid shall be a lien on the lots assessed until paid.

SEC. 2. That upon failure of the collector of said corporation to collect the taxes so assessed by reason of the neglect of the owners and claimants, and that no goods

Pres't and trustees may assess taxes upon lots.



Mode of collection.

and chattels can be found on the lots assessed, out of which by distress and sale thereof the taxes assessed can be made, it shall be lawful for such collector of said corporation, to transmit to the collector of Clark county, a list of all lots upon which the taxes shall not be paid as aforesaid, together with the taxes severally charged thereon; and said collector of said county, shall expose said lots for sale at the same time and place, and in the same manner that he exposed them to sale under the act, entitled "An act for assessing and collecting the revenue"—Approved, January 30, 1824, and the acts which have been, or which may be passed amendatory thereto, and sales under said acts, and the rights and duties thereby created shall be in all respects governed and controlled by the acts aforesaid.

Collector's fee.

SEC. 3. That the county collector shall charge no other fee for making said sales, than five per centum on the moneys collected thereby, to be retained out of such moneys which he on demand is to pay over to the collector or treasurer of said corporation.

#### CHAPTER XXV.

An Act to amend an act, entitled "An act to incorporate the Whitewater Canal Company."

[APPROVED—JANUARY 23, 1827.]

Pres't and Directors may determine the width of canal.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the canal authorized by the act to which this is an amendment, shall be of such width as shall be deemed most advantageous by the president and directors, to be chosen by the stockholders under the provisions of the third section of the above recited act.

Time of subscription extended.

SEC. 2. It shall be the duty of the said president and directors to keep open their books of subscription for the space of eighteen months from the passage hereof, at the town of Brookville, in this state, and at such other place or places as may be deemed advisable.

SEC. 3. The time of beginning said canal shall be limited to three years from the first Monday in February next.

SEC. 4. The twenty-third and twenty-fourth sections of the act to which this is an amendment, and so much of the twenty-fifth section thereof as conflicts with the provisions of this act, be and the same is hereby repealed.

SEC. 5. The directors named in the above recited act shall hold their offices until their successors are elected, and shall in all respects, not otherwise herein provided for, be governed by the act to which this is an amendment, and shall commence said canal at any point deemed most advantageous.

SEC. 6. That the act to which this is an amendment, be and the same is hereby revived.

This act to take effect and be in force from and after its passage.

#### CHAPTER XXVI.

An Act to amend the "Act regulating the mode of summoning and empannelling grand and petit jurors, and for other purposes"—Approved, January 31, 1824,

[APPROVED—DECEMBER 29, 1826.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That in all cases where the board of justices of any county shall omit to select grand and petit jurors, at their May term, it is hereby made their duty to make such selection at their next or any succeeding term; and the jurors shall be selected, summoned and empannelled, in the same manner and under the same penalties and provisions, as are prescribed by the act to which this is an amendment.

May be selected at any time.

SEC. 2. The boards of justices for the counties of Vanderburgh, Owen, Tippecanoe, Sullivan, Bartholomew, Daviess and Martin, are hereby authorized and required to make a selection of grand and petit jurors, at their next term, in the manner prescribed by law, and the clerks shall thereupon make out the necessary writs for the respective sheriffs of the several afore mentioned counties, who shall forthwith proceed to summon the said jurors to attend at the next term of the circuit court of said counties, to discharge the several duties enjoined on them as jurors as aforesaid, under the same penalties prescribed by the act to which this is an amendment, and three days notice shall be deemed sufficient to require the attendance of said jurors. Nothing in the act to which this is an amendment, shall be so construed as to prevent or disqualify persons over the age of sixty years from serving as grand jurors, nor shall any thing in this act, or the act to which it is an amendment, prevent the board of justices in any new county wherein a tax has not been levied, or where there is no tax list, from selecting grand and petit jurors from the citizens of said county at their discretion.

Divers modifications.

SEC. 3. It shall be the duty of boards of county justices in this state, in selecting grand and petit jurors, to cause to be selected from the list of taxable persons and property in each county, the names of eighteen grand jurors and twenty-four petit jurors who shall be good reputable freeholders or householders for each and every term of the circuit court for one year; and in those counties where the term of the circuit court extends to two weeks, then twenty four householders as aforesaid shall be selected as petit

Divers modifications.



jurors for the first week, and twenty-four for the second week of each term, each of whose names shall be written on separate pieces of paper and put into a box to be kept for that purpose; and the president of each and every board of justices, shall in the presence of a quorum of said board, draw from said box eighteen names for grand jurors, and twenty-four names for petit jurors for each and every term of said court which does not extend by law to a longer time than one week; and where the term of any circuit court extends to two weeks, then the said president shall draw twenty-four names which shall be marked and designated as petit jurors for the first week, and twenty-four names shall be marked and designated as petit jurors for the second week of each term of the circuit courts aforesaid for the year ensuing such drawing as aforesaid: *Provided*, that if this act should not be published in all the counties herein named, on or before the next meeting of the board of justices, it shall be lawful for the sheriff to select, summon and empanel the grand and petit jurors for the next ensuing term of the circuit court for such county, without previous selection by said boards.

This act to be in force from and after its passage.

## CHAPTER XXVII.

An Act to amend the act, entitled "An act regulating the jurisdiction and duties of Justices of the peace."

[APPROVED—JANUARY 22, 1827.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana*, That in all actions of debt, or assumpsit, wherein the sum due or demanded shall be over fifty dollars, and not exceeding one hundred dollars, exclusive of interest and costs, it shall be lawful for the plaintiff to commence his suit either before a justice of the peace of the proper township, or in the circuit court at his discretion; and on the decision of any such action by a justice of the peace, and an appeal taken thereon to the circuit court, the supreme court shall have appellate jurisdiction in the same manner as if the same had been originally commenced in the circuit court: *Provided*, That this act shall not be so construed as to alter or affect the jurisdiction of justices of the peace in sums not exceeding fifty dollars, as now prescribed by law. In all cases of appeal from the judgment of justices of the peace to the circuit court, said court shall tax the costs of such appeal in such manner as to them shall appear just and reasonable.

**SEC. 2.** When any judgment may be entered against any defendant in his absence, if he appear within ten days,

Jurisdiction of  
justices ex-  
tended.

Appeal to S.  
C. allowed in  
certain cases.

pay or give security for the costs, and also enter into bond to pay and satisfy the judgment of the court in that particular case, and request the judgment to be opened, the justice may grant a new trial, and appoint a day therefor, of which the defendant shall notify the plaintiff or his agent, at least six days prior to the day appointed; but stay of execution shall only be prolonged from the day of the former judgment: *Provided however*, If the plaintiff or his agent, does not reside within the county, the party applying for such new trial, shall leave a written notice in the office of the justice granting the same, at least ten days previous to the day set for such new trial.

**SEC. 3.** That hereafter, when any person may appeal from the judgment of a justice of the peace to the circuit court, agreeably to the seventeenth section of "An act regulating the jurisdiction and duties of justices of the peace"—Approved, January 30, 1824, it shall be the duty of the justice granting such appeal, to cause the transcript, bond, and other papers connected with said suit, to be delivered to the clerk of the circuit court of the proper county, within twenty days from the time of granting such appeal; and it shall be the duty of the said clerk to file and docket the same immediately on receipt thereof, agreeably to the provisions of said act, and on failure to prosecute such appeal, the appellant shall forfeit and pay ten per centum on the amount of the judgment so appealed, to be recovered by the appellee and taxed by the justice, before whom the cause was tried. The thirteenth section, and so much of the seventeenth section of said act as comes within the purview of this act, be and the same are hereby repealed.

**SEC. 4.** In all cases where an appeal hereafter may be taken from the judgment of any justice of the peace in this state, and either party should consider himself, herself, or themselves aggrieved by the judgment of the circuit court, where the same may amount to the sum of fifty dollars and upwards, such party shall have the right to appeal to the supreme court of this state, in the same manner as if the suit had been originally instituted in the circuit court; any law, usage, or custom to the contrary notwithstanding.

**SEC. 5.** That whenever any justice of the peace shall remove out of the township, county seat, or incorporated town, wherein he was elected, his office shall be vacated, and his authority by virtue thereof shall cease.

**SEC. 6.** On judgments rendered by justices of the peace, in obedience to the provisions of this act, on the defendant's entering good and sufficient security on the justice's docket before whom such judgment was rendered for the amount of the debt, interest and costs, there shall be a stay of execution, if the sum shall exceed fifty dollars, one hundred and fifty days.

Justice upon  
appeal to file  
the papers in  
clerk's office.

Appeal to S.  
C. in certain  
cases.

Stay of execu-  
tion on judg-  
ments exceed-  
ing \$50.



SEC. 7. In all cases hereafter determined in the circuit or supreme courts, which originated before a justice of the peace, no attorney's docket fee shall be hereafter taxed or paid in the costs against either party.

Statements of  
cause of ac-  
tion and of de-  
fence to be  
filed & the evi-  
dence to be  
confined with-  
in the law.

SEC. 8. In all suits that may hereafter be instituted before any justice of the peace, it shall be the duty of the justice of the peace to file, or cause the plaintiff to file before the issuing of the process, or three days previous to the trial, a concise statement in writing, of his cause of action, or nature of the injury which he has sustained, if the same be founded in tort, and in actions founded on contract, express, or implied, to file his account, bill of particulars, statement of the nature of his demand, note, bond, bill or other writing, on which he intends to rely. And if the defendant has any special matter of payment, or set off to allege in defence, he shall in like manner, before the commencement of the trial, file with the justice a statement thereof, and on the trial, the plaintiff shall not be permitted to give evidence of any matter, trespass, injury, demand, contract, item or account, that is not mentioned in his statement; nor shall the defendant be permitted to give evidence of any other matter of payment than those specified in his defence: *Provided however*, the plaintiff or defendant, by the permission of the justice, may amend his cause of action before entering into trial, and in all cases of appeal from the judgment of any justice of the peace, it shall be the duty of such justice to send up to the circuit court such written statements of the cause of action and defence of the parties, with the transcript and other papers in the cause; which written statement of the cause of action or defence shall not be set aside by said court for want of form, but shall be acted upon by such court, without any substantial amendment or alteration.

Writ of error  
allowed in  
certain cases.

SEC. 9. Whenever a judgment shall be rendered by a circuit court in any suit or action brought before said court by appeal from the judgment of a justice of the peace, and the amount in controversy exclusive of interest and costs, shall exceed twenty dollars, it shall be lawful for either plaintiff or defendant to procure from the clerk of the circuit court where such appeal was tried, and judgment rendered, a transcript of the record of the case, and assign errors of law on the same; and if on exhibiting said transcript with the assignment of errors to any judge of the supreme court, if said judge shall be of opinion that errors exist in the record and proceedings exhibited, which entitle the party exhibiting the same to a supersedeas, said judge shall be authorized to grant a supersedeas, subject to the same rules and conditions on which supersedeases are now granted by the supreme court or any judge of the same; and the supreme court shall have jurisdiction over

the case in which said supersedeas shall be granted, as fully to all intents and purposes, as though the action were originally commenced in the circuit court: *Provided*, That in all cases where the amount in controversy is under fifty dollars, and exclusive of interest and costs, if a supersedeas shall be refused, the supreme court shall have no jurisdiction.

SEC. 10. That it shall hereafter be the duty of each and every justice of the peace, to make out a list of all fines and penalties by him assessed on and collected of each and every individual, and record the said list in a book to be kept for that purpose; and on the first day of each and every session of the board of justices of each county, to return said list of all fines imposed and collected by him since his last return at the preceding session, as herein required, and said list shall be certified under the hand and seal of such justice.

Justices to re-  
turn list of  
fines to B. J.

SEC. 11. It shall be the duty of the clerk of the board of justices to record the said list of fines at full length on the records of such board; and on the first day of each circuit court in every county, to make out two certified copies of such returns, one of which he shall deliver to the prosecuting attorney of his county or circuit, and the other he shall deliver to the trustees of the public seminary of the county; and should any clerk or justice of the peace refuse or neglect to comply with this requisition, he shall be liable upon conviction thereof, by presentment or indictment, to a penalty not less than twenty dollars; and if any justice of the peace shall certify to a false list or statement of fines as aforesaid, such justice on conviction, shall be held guilty of perjury, and be liable to the pains and penalties thereof.

List of fines to  
be recorded &  
copies to be  
furnished P.  
A. and trus-  
pub. sem.

SEC. 12. Hereafter no attorney at law who shall hold the commission of a justice of the peace, shall be permitted to appear or act as an attorney before any other justice of the peace, or to appear and act as an attorney in any circuit court, on appeals taken from his judgments, or the judgments of any other justice of the peace in the county where said attorney may be commissioned as such justice.

## CHAPTER XXVIII.

An Act legalizing certain contracts made by the Agent of the reserved township in Monroe county.

[APPROVED—JANUARY 11, 1827.]

*Be it enacted by the General Assembly of the State of Indiana,* That all leases given or made by the agent of the reserved township in Monroe county, in the spring of the year 1826, on improved lands in said township, and which were to con-



tinue for one year only, be and the same are hereby legalized; and said agent is hereby authorized and required to collect all monies arising from said leases, in the manner prescribed by the act authorizing said agent to lease said lands for two years at a time.

This act to take effect and be in force from and after its publication in the Bloomington Republican.

### CHAPTER XXIX.

An Act legalizing the marriage of Benjamin Patterson and Abigail Hults.

[APPROVED—DECEMBER 21, 1826.]

WHEREAS, It appears to the General Assembly of this state, that Benjamin Patterson and Abigail Hults were married on the third day of May, 1825, by Aaron Homan, a justice of the peace of the county of Hendricks, by virtue of a license issued from the office of the clerk of the Marion circuit court, by the illegality of which doubts have arisen as to the right of their heirs to inherit; for remedy whereof:

*Be it enacted by the General Assembly of the State of Indiana,* That the marriage of the said Benjamin Patterson and Abigail Hults, solemnized by Aaron Homan a justice of the peace for the county of Hendricks, in this state, on the third day of May 1825, be and the same is hereby legalized as fully to all intents and purposes, as if the same had been solemnized by an authorized officer of the county of Marion, from the clerk's office, of which county the license was issued.

This act to be in force from and after its passage.

### CHAPTER XXX.

An Act to legalize the proceedings of the Board of Justices of Green county, at a special session held on the thirteenth day of May, 1826.

[APPROVED—JANUARY 23, 1827.]

*Be it enacted by the General Assembly of the State of Indiana,* That the special session by the board of justices of Green county, on the 13th day of May, 1826, and the act of said board in receiving at said special session the return of the lister of said county, be and the same is hereby legalized.

Marriage legalized.

### CHAPTER XXXI.

An Act to legalize certain official acts of William W. Kennedy, late recorder of Vermillion county.

[APPROVED—JANUARY 4, 1827.]

WHEREAS, William W. Kennedy was duly elected recorder of Vermillion county, and proceeded to execute the duties of his office as recorder without giving bond, or being duly sworn into office as required by the statute in that case made and provided: And whereas, the said William W. Kennedy died before the people of said county were aware of the fact: Therefore,

*Be it enacted by the General Assembly of the State of Indiana,* That the records of all deeds and other instruments of writing committed to record by the said William W. Kennedy, during the period that he exercised the said office of recorder as aforesaid, be deemed and taken to be as valid to all intents and purposes, as they would have been had the said William W. Kennedy conformed in the first instance to all the requisitions of the law in such case made and provided.

### CHAPTER XXXII.

An Act legalizing the proceedings of the Board of Justices of Franklin county and for other purposes.

[APPROVED—JANUARY 26, 1827.]

WHEREAS, It has been represented to this General Assembly, that in some instances the township officers of the county of Franklin have not been elected by the qualified electors thereof, as authorized and directed by the act, entitled "An act to authorize the several townships in certain counties herein named to elect township officers and for other purposes"—Approved January 19, 1826; and that in consequence of said failure, a number of the justices of said county, sitting as the board of justices, appointed the said officers, and that in making said appointments the number of justices was less than that required by the above recited act, and also, that a less number has from time to time proceeded to transact county business: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the proceedings of the board of justices of Franklin county, during the year 1826, so far as the same relates to the appointment of township officers, be and the same are hereby legalized.

SEC. 2. That the board of justices of Franklin county, shall have full power and authority until the first Monday in August next, to appoint all township officers, should the qualified electors in the different townships of the said coun-

B. J. Franklin, may appoint town-



ship officers  
till 1st Mond.  
in Aug. next.

ty fail to elect under the provisions of an act, entitled "An act to authorize the several townships in certain counties herein named, to elect township officers and for other purposes"—Approved, January 19, 1826, or should there occur vacancies in said offices.

This act to be in force from and after its publication in the Franklin Repository.

### CHAPTER XXXIII.

An Act to authorize the Board of Justices of Pike county, to appoint Trustees of the Pike county Library.

[APPROVED—JANUARY 14, 1827.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the board of justices of Pike county, at their next July term, are hereby required to appoint seven trustees who shall act as trustees of the Pike county library; and it shall be the duty of said trustees, after having received notice of their appointment, to meet at the court house in said county, on the third Monday in July next, and elect one of their number president.

**SEC. 2.** That said trustees when so met, shall in all respects be governed by the law now in force on the subject of county libraries, and continue in office until the first Monday in September next, and until their successors are chosen and qualified agreeably to the law now in force on the subject of county libraries.

This act to take effect and be in force from and after its passage.

### CHAPTER XXXIV.

An Act organizing a County Library in the county of Crawford.

[APPROVED—JANUARY 22, 1827.]

*Be it enacted by the General Assembly of the State of Indiana,* That the board of justices in Crawford county and their successors in office are hereby constituted perpetually trustees of the library, in said county, and are hereby vested with all the powers and privileges given, and shall discharge all the duties required of the president, or of the president and trustees of county libraries, given or required by "An act for the incorporation of county libraries"—Approved, January 28, 1824, except as herein excepted.

### CHAPTER XXXV.

An Act to amend an act, entitled "An act or the incorporation of County Libraries"—Approved, January 28, 1824.  
[APPROVED—JANUARY 16, 1827.]

*Be it enacted by the General Assembly of the State of Indiana,* That whenever it has so happened in the sale of town lots, in any county in this state, where, by law a reservation of ten per centum on the amount of sales had been made for the use of a county library, that the agent of such county has paid over the whole amount, or all that he has received of the purchase money of any lots, into the county treasury of his county, without deducting and reserving the said ten per centum for the use of the county library, such county shall be held responsible to the president and trustees of the county library, for the amount of the ten per centum aforesaid; and it shall be the duty of the board of justices of said county, on satisfactory proof of the above state of facts, by an order entered on their records, to direct the treasurer of their county, to pay the full amount of the ten per centum, so as above received, to the president and trustees of the county library, out of any moneys belonging to said county not otherwise appropriated.

Ten per centum reserved for library to be refunded.

### CHAPTER XXXVI.

An Act authorizing Alexander Craig to erect a Dam across the West Fork of White river and for other purposes.

[APPROVED—JANUARY 22, 1827.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That Alexander Craig, his heirs and assigns, be and he is hereby authorized to erect a mill dam across the West Fork of White river about thirty rods above the mouth of Eel river, on the west fractional section number seven, in township eight, of range five west, in the county of Greene, for the purpose of erecting grist and saw mills, under the restrictions hereinafter mentioned.

Authority to build a dam granted to A. Craig.

**SEC. 2.** That the said Alexander Craig, his heirs and assigns, shall not raise said dam so as to elevate the water more than two feet six inches at the usual low stage, and shall erect a good and sufficient lock or slope in said dam, at least sixty feet wide and thirty feet long, so as in no wise to obstruct the passage of water crafts, either in ascending or descending the said stream, which shall be constantly kept in repair.

Restrictions.

**SEC. 3.** That if any person or persons shall be injured in the navigation of the said stream, by means of the erection of the said dam, or the insufficiency or bad repair of the said lock or slope, the said Alexander Craig, his heirs



or assigns, shall be liable to pay all damages incurred thereby.

Authority granted Crane &c to build a dam.

SEC. 4. That Jatez Crane, Asa Crane and John Ward, their heirs or assigns, be and are hereby authorized to erect a mill dam across the East fork of White river, on section thirty-two, in township six, north of range five, east of the second principal meridian, in the district of lands offered for sale at Jeffersonville, for the purpose of erecting such mill machinery as may be deemed by them advisable.

Restrictions.

SEC. 5. That said dam shall not exceed five feet in height, and shall have a slope or lock therein not less than sixty feet wide and forty feet long, for the passage of water crafts.

SEC. 6. That if any person shall be injured in the navigation of said stream, by reason of the insufficiency or bad repair of said erections to be made under this act, the said Cranes and Ward, their heirs and assigns, shall be liable to pay the damages occasioned thereby.

#### CHAPTER XXXVII.

An Act authorizing John Hammersly to erect a wing dam at the Indian Ford, on White river, near Bono, in Lawrence county.

(APPROVED—JANUARY 22, 1827.)

Authority given to J. Hammersly to erect a wing dam.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That on account of the convenience and benefit it will afford to the public to have a mill or mills at the place herein mentioned, John Hammersly, his heirs and assigns, are hereby authorized to erect a wing dam at the Indian Ford, on the East fork of White river, near Bono, in Lawrence county, for the purpose of procuring water power to propel a mill or mills.

Restrictions.

SEC. 2. That the said dam hereby authorized to be erected shall not exceed twelve inches in perpendicular height, nor be so constructed as to impede or obstruct the navigation of the said river.

SEC. 3. That if any person or persons shall be injured in the navigation of the said river, in consequence of the said dam, the said John Hammersly, his heirs and assigns, shall be liable to pay all damages thereby incurred.

#### CHAPTER XXXVIII.

An Act to amend an act, entitled "An act to regulate the Militia of the State of Indiana"—Approved, January 20, 1824.

[APPROVED—JANUARY 27, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That there shall be one company muster in each and every year, at such time and place in the month of April, as the commandants of companies may appoint, when and where every commissioned, non-commissioned officer and private, belonging to said company shall attend, armed and equipt as the law directs.

SEC. 2. That any musician or private failing to attend any regimental muster during the time the same shall be on parade, shall be fined the sum of fifty cents.

SEC. 3. Any commissioned officer who shall attend any muster of his regiment or battalion, when it is made his duty to attend, without being in full uniform, it shall be the duty of the adjutant of the regiment to note such article of uniform that such officer may be without, and report the same to the next court of assessment, whose duty it shall be to assess against such officer, a fine of not less than fifty cents, nor more than one dollar, for each article of uniform that such officer may have been without, provided such officer shall have been commissioned twelve months. The duty hereby required of the adjutant at the regimental and battalion musters, shall be performed by the commanding officer of each company at the company muster, provided for by this act, and the same fine imposed by the court of assessment.

Penalty ag't officers for failing to uniform.

SEC. 4. That so much of the nineteenth section of the act to which this is an amendment as requires two company musters in each and every year, be and the same is hereby repealed.

SEC. 5. The commandants of divisions, brigades, regiments and companies, shall in their proper returns, distinguish the number and description of arms in their respective commands, so that it may be known what portion there may be of public and private arms in the possession of the militia of this state.

Number and description of arms to be returned.

SEC. 6. That the quarter-master general receive as a compensation for his services annually, the sum of fifty dollars, that he shall, and he is hereby required to call on the several major generals in this state for them to furnish the amount of public arms in the division which they command, that has been received since the state government, and report the amount to the commander-in-chief, on or before the meeting of the next general assembly.

Salary & duty of the quarter master general.

SEC. 7. That all allowances for services heretofore rendered or which may be hereafter rendered, and which may be ordered to be paid out of the funds of any regiment, shall

Allowances from regimental fund how paid.



be entitled to a preference as to payment, according to the order of time of such allowance having been made for the collection thereof; and upon the receipt of money in the hands of any paymaster or person authorized to receive and pay out the same, it shall be the duty of such paymaster or person authorized as aforesaid, on having notice of any such claim against his regiment to register the same in the order in which they are presented, in a book to be kept for that purpose, having due regard to the date thereof, and to set apart and apply the funds of said regiment as herein directed.

## CHAPTER XXXIX.

An Act declaring the East Fork of Whitewater river a public highway.  
(APPROVED—JANUARY 24, 1927.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the East Fork of Whitewater river, from the north line of Union county where the same crosses said river to its junction, with the west fork at or near the town of Brookville, be and the same is hereby declared a public highway.

SEC. 2. The boards of justices of the counties of Union and Franklin may at their discretion at the time they appoint supervisors of roads, or at any other regular meeting, divide the said river within their respective counties, into as many districts as to them may seem necessary for the purpose of removing the obstruction to the navigation of said river and allot to each district or division on said river, a sufficient number of hands, and appoint a supervisor for each district in the same manner and under the same laws and regulations, as are now and may hereafter be provided for opening and repairing public roads and highways.

SEC. 3. Nothing in this act shall be so construed as to make it necessary for any person or persons, who have erected, or may hereafter erect any mill dam, on that part of said river hereby declared a public highway, to construct locks or slopes on such dams; but such persons shall have the right to build, keep up, and continue in repair all such dams; any thing herein contained to the contrary notwithstanding.

Duty of board  
of justices of  
Union and  
Franklin.

## CHAPTER XL.

An Act declaring the Mississinewa river navigable and a public highway.

[APPROVED—JANUARY 23, 1927.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Mississinewa river shall be considered and deemed navigable, and a public highway from its mouth to Lewallene's mill in Randolph county.

Mississinewa  
declared a  
p. highway.

SEC. 2. If any person or persons shall erect, or keep up any mill dam or other obstruction, calculated to destroy or injure the navigation of said river within the distance mentioned, every person so offending, shall for every such offence be fined in any sum not exceeding five hundred dollars, nor less than ten dollars, to be recovered by presentment or indictment, in any court having competent jurisdiction thereof; and if said river, within the district aforesaid, shall be a county line, in that case prosecution may be sustained in either county, the person so obstructing shall moreover be liable to the action of any person who may be injured thereby.

Penalty for  
obstructing  
the same.

SEC. 3. If any person or persons shall obstruct the navigation of said river within the distance aforesaid, by falling timber therein, and not removing the same within ten days thereafter, every person so offending, shall for every such offence, on conviction thereof, before any justice of the peace of the proper township, be fined any sum not exceeding three dollars.

SEC. 4. Nothing herein contained shall be so construed as to prevent any person who may have purchased from the United States the bed of said river, by this act declared navigable and a public highway, from erecting any dam or mill, which when erected will be of public utility, if such person shall provide and at all times when such river is navigable, keep in repair good and sufficient locks or slopes of dimensions sufficient to secure the safe passage of all such boats or other crafts as may navigate said river; nor shall any thing in this act contained be so construed as to affect any mill dam erected across said river previous to the passage of this act, if proper locks or slopes as herein prescribed be erected and kept in repair; the dimensions and construction of which together with all the aforesaid locks and slopes, the board of justices of the proper county shall at all times have a right to prescribe and regulate.

Mill dam may  
be built with  
locks or  
slopes.

This act to take effect and be in force from and after its passage.



## Navigation.

## CHAPTER XLI.

An Act authorizing the removal of obstructions in water courses, in certain counties therein named.

[APPROVED—JANUARY 27, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board of justices or other persons doing county business, in the counties of Rush, [—] shall be and are hereby authorized on petition, as in cases of petition for roads, to cause the supervisors of their respective counties in their several road districts, to remove any and all obstructions, mill dams excepted, in streams and water courses which may run through such road districts.

SEC. 2. That all persons liable to work on public roads and highways, who have petitioned for the passage of this act, in such districts through which such streams and water courses may pass, shall from and after the taking effect of this act, perform so much labor on said streams and water courses in each and every year, as the board of justices or other persons doing county business in the county aforesaid, shall in their discretion think proper to appropriate: *Provided,* That the same shall not exceed the number of day's labor which such person or persons would be compelled by law to work on public roads and highways: *And provided also,* That such person or persons shall be exempt from performing such labor so appropriated to said streams and water courses on public roads and highways.

SEC. 3. That it shall be the duty of the several supervisors in such road districts through which such streams and water courses may pass, as have been declared subject to be worked upon under the provisions of this act, to call upon all persons living within the limits of their respective road districts, to perform the work required to be performed by such board of justices or other persons doing county business, in the county aforesaid, on such streams or water courses; and if any person shall fail or refuse to perform said labor, he having received three days notice thereof from the proper supervisor, shall be liable to forfeit and pay fifty cents per day, to be recovered before any justice of the peace, in the same way and manner, and subject to the same regulations as are now prescribed by law for the collection of fines, for failing to work on public roads and highways.

SEC. 4. Any supervisor failing to discharge any of the duties enjoined on him by virtue of this act, shall be liable to be fined and punished in the same way and manner, as if he should fail to discharge his duty on public roads and highways.

## Navigation.

## CHAPTER XLII.

An Act to provide for removing the obstructions in the river Patoka.

[APPROVED—JANUARY 16, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it is hereby made the duty of the boards of justices of Gibson and Pike counties, at their session in July next, or at any other time thereafter, to lay off the river Patoka into districts of five miles each, and allot the hands to work on the same; and it is hereby made the duty of all the hands subject to work upon public roads and highways, and living within three miles of said river, to perform two days work on said river in each year if necessary.

Mode of improving the navigation of Patoka.

SEC. 2. That it is hereby made the duty of the boards of justices in said counties, when they lay off said districts, to appoint a supervisor to each district, and the supervisor and hands so appointed to work upon said river, shall be governed in all respects by the law regulating public roads and highways. That the act, entitled "An act providing for removing the obstructions in the river Patoka"—Approved, December 31, 1825, be and the same is hereby repealed.

## CHAPTER XLIII.

An Act supplemental to the several acts declaring Blue river a public highway.

[APPROVED—JANUARY 9, 1827.]

*Be it enacted by the General Assembly of the State of Indiana,* That all that part of Blue river within the bounds of Shelby county, which has not heretofore been declared a public highway, be and the same is hereby declared a public highway, and that the provisions of the several acts now in force respecting said stream, be and the same are hereby extended and made applicable to that part of said stream, in all respects as fully as if it had been included in said acts to which this is a supplement, and that Richard Tyner be and he is hereby appointed a commissioner on that part of said stream.

Navigation of Blue river.

## CHAPTER XLIV.

An Act declaring Salt Creek a public highway.

[APPROVED—JANUARY 14, 1827.]

*Be it enacted by the General Assembly of the State of Indiana,* That Salt creek shall be considered a public highway from its mouth, to the line dividing townships eight and nine, north of range one east, in Monroe county.



## CHAPTER XLV.

An Act to improve the navigation of Sand Creek.

[APPROVED—JANUARY 22, 1827.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the boards of justices of the counties of Jennings and Bartholomew, at their May session, annually, to appoint a supervisor in each county, to superintend the clearing out the obstructions in Sand creek, where the same may run through or adjoining the several counties, commencing at the township line dividing the townships of Geneva and Columbia, in Jennings county; and it shall be the duty of such supervisors, to call out the persons subject to work upon public roads and highways for a capitation tax, in their several districts, one day in each year, and employ the same in clearing and improving the navigation of said creek within their respective counties.

**SEC. 2.** All persons liable to labor upon highways, residing within one mile of said Sand creek, on either side, from the said township line to its junction with Driftwood river, so far as it may pass through or adjoin the counties aforesaid, shall work one day on the said creek in each year.

**SEC. 3.** That the supervisors and persons subject to work on the creek aforesaid, shall be subject to the same rules, forfeitures and penalties, for neglect of duty or failing to perform such service as supervisors, and persons liable to work on public roads and highways are subject to, and they shall be exempt from one day's work on roads, in each year, within their respective districts.

This act to be in force from and after its passage.

## CHAPTER XLVI.

An Act declaring the Brushy Fork of Muscatituck a public highway and for other purposes.

[APPROVED—JANUARY 14, 1827.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That so much of the Brushy fork of the Muscatituck, from its mouth to the mouth of Hog creek, within the county of Scott, be and the same is hereby declared a public highway.

**SEC. 2.** It shall be the duty of the county board of justices of said county of Scott, at their May session, to lay off into districts extending two miles from said creek, on each side up and down, so far as said creek is declared a public highway, and appoint one suitable person in each district so laid off, to be denominated supervisors of the Brushy fork of Muscatituck, who shall serve for and during the

term of one year from and after their appointment to their several districts, whose duty it shall be to superintend all the labor appropriated to and by this act directed to be laid out on said creek.

**SEC. 3.** That all persons liable to work on public roads and highways, living within two miles of the Brushy fork of Muscatituck creek, so far as the said creek is declared navigable within said county of Scott, shall from and after the taking effect of this act, be required to perform two days labour in each and every year, under the direction of a supervisor appointed by virtue of this act, in whose district they may respectively reside upon said creek, for the purpose of improving the navigation of the same.

**SEC. 4.** That all persons living within two miles of the Brushy fork of Muscatituck, so far as the same is declared navigable, and are liable to work on public roads and highways, be and they are hereby exempted from performing said labor, except as is required by virtue of this act.

**SEC. 5.** It shall be the duty of every supervisor appointed by virtue of this act, to call on all persons living within the limits of their respective districts to perform the work required, and appropriated to the improvement of said creek by this act; and if any person shall fail or refuse to perform said labour, he having received three days previous notice thereof from the proper supervisor in writing or otherwise, shall be liable to forfeit and pay fifty cents for each day he may so neglect or refuse to labor, to be recovered before any justice of the peace in the same manner and subject to the same regulations as are now prescribed for the collection of fines, for failing or refusing to work on public roads and highways, which money when collected shall be appropriated by said supervisor to improving the navigation of said creek.

**SEC. 6.** Any supervisor failing to discharge any of the duties enjoined on him by virtue of this act, shall for every such offence be fined in any sum not exceeding fifty dollars, to be recovered by presentment or indictment in any court having competent jurisdiction thereof.

## CHAPTER XLVII.

An Act to amend the "Act declaring certain streams therein named public highways"

[APPROVED—JANUARY 19, 1827.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That no mill dam shall hereafter be erected across Laughery creek, which shall exceed four feet in



height of mill  
dams prescri-  
bed.

height; and all dams which have been heretofore erected across said creek which exceeds the height of four feet, shall be so altered as not to be more than four feet high for at least forty feet in the centre of said creek.

SEC. 2. That all dams which have been or hereafter may be erected across said creek, each end of the same shall be raised at least one foot higher than the passage through which boats are to pass.

Penalty for vi-  
olations.

SEC. 3. That if any person or persons being the owner or occupant of any dam across said creek, shall neglect or refuse to comply with the provisions of this act by the first day of October next, or should any person hereafter erect a dam across said creek, and not comply with the provisions of this act, such person or persons shall be fined in any sum not exceeding five hundred dollars nor less than fifty, to be recovered by presentment or indictment, before any court having competent jurisdiction.

SEC. 4. That so much of the act to which this is an amendment as requires the owners of any mill dam to make locks or slopes thereto on said creek be and the same is hereby repealed.

### CHAPTER XLVIII.

An Act to amend an act entitled "An act to provide for the partition of real estate"—Approved, January 2, 1824.

[APPROVED—JANUARY 27, 1827.]

Vacancy in  
commissioner  
to be supplied.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That in case of the death, resignation, removal or refusal to act of any commissioners, in any stage of the proceedings by the act to which this is an amendment authorized, the court shall in their discretion fill such vacancy; and such commissioners shall proceed to consummate such proceeding according to the intent and meaning of this act, and all acts done by such commissioners shall be deemed and taken as valid as though the same had been done and performed by the predecessor or predecessors of such commissioners.

Power of ad-  
ministrator  
with will an-  
nexed extend-  
ed in certain  
cases.

SEC. 2. In all cases where administration has been granted with the will annexed, a power or direction to sell real estate in such will, shall be taken as a power to sell and convey by whomsoever may have administration of such estate with the will annexed: *Provided however*, That any circuit court in this state, upon application made, may appoint an administrator to such estate with the will annexed, for such special purpose.

### CHAPTER XLIX.

An Act to amend an act, entitled "An Act regulating the practice in suits at law."

(APPROVED—JANUARY 26, 1827.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, If either party litigant in any action at law depending in any circuit court to be tried, shall cause to be subpoenaed more than three witnesses, to prove the identical same fact; the party causing such witness or witnesses over the number of three as aforesaid, to be summoned, shall pay the whole of the costs occasioned by causing to be summoned such surplus number of witnesses as aforesaid.

Party sum-  
moning more  
than three  
witnesses to  
prove one fact  
to pay the  
costs.

SEC. 2. Whenever it shall so happen that there are no associate judges in any county, who are commissioned and authorized to act, it shall be lawful for the clerk of the circuit court to approve of the security, and take the necessary bond of sheriffs and coroners in the same way and manner that associate judges are authorized to approve of security and take bond of sheriffs and coroners; and such bonds, when so taken by any such clerk, shall have all the force and effect of bonds taken by associate judges in similar cases, and shall be disposed of in the same manner.

Clks approve  
of security to  
sh'ffs & coron-  
ers in certain  
cases.

SEC. 3. That if any person or persons, against whom there is or shall be any of the causes of action specified in the twelfth section of the act to which this is an amendment, be or shall be at the time of any such cause of action given or accrued without the jurisdiction of this state, that then such person or persons who is or shall be entitled to such action, shall be at liberty to bring said actions against such person or persons, within one year after their return from without this state: *Provided, however*, That nothing in this act, or the act to which this is an amendment, shall be so construed as in any manner to restrict or limit any defendant or defendants to any action in pleading, set-off or payment thereto: *And provided, also*, That if in any of the said actions or suits, judgment be given for the plaintiff, and the same be reversed by error or a verdict pass for the plaintiff, and from matter alleged in arrest of judgment, the judgment be given against the plaintiff, that he take nothing by his writ, plaint or bill; that in all such cases, and in cases discontinued for want of a court at any regular term, the party plaintiff, his heirs, executors, or administrators, as the case shall require, may commence a new action or suit from time to time, within a year after such judgment reversed or such judgment given against the plaintiff, or such discontinuance, and not after.

Modification  
of the limita-  
tion of ac-  
tions.

SEC. 4. Hereafter any words falsely spoken of, and concerning any person in this state, charging such person with incest, sodomy, buggery, bestiality, or the infamous crime against nature, either with mankind or any of the brute

Certain words  
declared ac-  
tionable.



creation, shall be in themselves actionable, and no person complaining of the speaking of any such words, shall be held to prove special damages.

## CHAPTER L.

An Act to provide for contracting with a public printer, and for printing and distributing the Laws and Journals of the present session.

[APPROVED—JANUARY 26, 1827.]

Contracts for public printing from time to time.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That when any contract for public printing is about to expire, another contract shall be entered into according to the provisions of the 14th and 5th sections of the first chapter of the special acts, passed at the eighth session of the general assembly of the state of Indiana—Approved, January 28, 1824; and the officers therein named, are hereby authorized and required to make a new contract accordingly: *Provided however*, If either of the officers named in the aforesaid sections, should be interested in the aforesaid proposed contract, then the other two shall take to their assistance the agent of the state for the town of Indianapolis, to aid in making said contract, and any contract entered into in pursuance of this act for the public printing, shall have all the force and effect that the contract heretofore made, had under the provisions of the before recited sections.

Mode of distribution of laws & journals.

SEC. 2. The laws of the present session including all the acts and joint resolutions, making out copies for the public printer, marginal notes and every other circumstance relating thereto, shall be printed and distributed, or otherwise disposed of, precisely as directed in an act passed for that purpose at the last session of the general assembly of this state—Approved, January 21, 1826; except that there shall be twenty-seven hundred copies of the laws of the present session printed, and the new counties erected this session, shall receive the same number of copies that were directed by the aforesaid act to be sent to the counties receiving the smallest number of copies, and the journals of the two houses shall be distributed at the same time with the laws as provided for in the 6th section of the above recited act; and the secretary of state, treasurer and auditor, are hereby required to attend to their duties respectively in carrying into effect the provisions of this act.

This act to be in force from and after its passage.

## CHAPTER LI.

An Act to amend an act, entitled "An act providing for the settlement of decedents' estates and for other purposes"—Approved, January 26, 1824.

[APPROVED—JANUARY 25, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the court of probate of any county, where administration of any estate may have been granted after the settlement and liquidation of all debts due by such estate, to allow the guardian or mother of any minor heir, any reasonable compensation for the support and education of such minor heirs, either out of the personal or real estate of such deceased person, and the same when allowed, shall stand as a debt against such estate after the payment of all debts due by such deceased person, and the costs of administration to be paid out of the residue of said estate, as other debts are paid.

Guardians to be allowed for maintenance of minors.

SEC. 2. That in all cases when it shall appear to the satisfaction of the probate court of any county in this state, that any person of such county has died intestate, and was at the time of his death the lawful owner of any land certificate from the United States, for any tract of land in this state, upon which any of the instalments are not paid, and that the estate of such decedent is not in a situation to ensure the payment thereof in time to prevent a forfeiture of such land, it shall be lawful for such court to make an order for the sale of such land certificate, or for the relinquishment of a part of such land, designating the part to be relinquished, whereupon the administrator shall sell or relinquish the same, and such sale or relinquishment shall be as valid to all intents and purposes, as if the same had been made by the decedent in his life time.

Adm'rs may sell land certificates.

SEC. 3. Previous to the sale of any such certificate, the administrator shall give three weeks public notice thereof by advertisement, in three of the most public places in said county, or in some newspaper if any printed therein, and such certificate shall be sold to the highest bidder, on a credit not exceeding twelve months, whereupon such administrator shall be authorized to transfer such certificate by an assignment in the usual form.

## CHAPTER LII.

An Act amending an act, entitled an act supplemental to an act, entitled "An Act defining the duties of Recordors, and pointing out the mode of conveying real estate"—Approved, February 12, 1825.

[APPROVED—JANUARY 16, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the passage of this act it



Recorders to  
make index.

shall be the duty of each and every recorder of deeds in this state, to make a thorough and complete index to the volume or volumes of deeds, or other writings recorded in his office, previously to the passage of the act to which this is an amendment, in the manner provided by said act, that is to say: the name of each grantor, promisor, or covenantor, shall be set down in alphabetical order, referring to the particular grantee, promisee, or covenantee, and also the name of each grantee, promisee, or covenantee, shall be set down in alphabetical order, referring to the proper grantor, promisor, or covenantor, so that any person hereafter by knowing the name of one of the parties to any instrument or contract recorded, may without delay be referred to the same on the record.

Compensation  
therefor.

SEC. 2. Each and every recorder making a thorough and complete index in manner aforesaid, shall be entitled to such compensation therefor as the board of justices or other persons doing county business of his proper county may deem reasonable; which allowance on being certified by the clerk of the said board, shall be paid by the county treasurer of the proper county.

Penalty for  
failure.

SEC. 3. Each and every recorder failing to comply with the requisitions of this act shall be liable to the penalties provided in the tenth section of the act, entitled "An act defining the duties of recorders, and pointing out the mode of conveying real estate"—Approved, January 21, 1818.

#### CHAPTER LIII.

An Act for the relief of John Carter and Joel Dixon.

[APPROVED—JANUARY 22, 1827.]

Relief of Car-  
ter & Dixon.

WHEREAS, Moses Alderson and Phebe Alderson his wife, of Hendricks county, Indiana, in the life time of the said Moses Alderson, did on the first day of June, 1825, convey by general warranty deeds to John Carter, of Morgan county, Indiana, ten acres of land, being part of the east half of the south east quarter of section twenty-six, township fourteen, of range one east of the second principal meridian, and to Joel Dixon of said county of Morgan, the said east half of the above described quarter section of land, except the above ten acres, which said deeds bear date on the said first day of June, 1825. And whereas, the said grantors did not seal said deeds, although they regularly and legally signed, acknowledged and delivered them. And whereas, the said Moses Alderson has departed this life; For remedy whereof,

*Be it enacted by the General Assembly of the State of Indiana,* That the said deeds be considered as good and valid in law and equity, as though said deeds had been sealed by

the grantors, and shall have all the legal effect that they could have had, had they been legally sealed by the grantors at the time of making the same.

This act shall take effect and be in force from and after its passage.

#### CHAPTER LIV.

An Act for the relief of Asael Dunning.

[APPROVED—JANUARY 27, 1827.]

WHEREAS, It appears to this General Assembly from the report of the agent of the state, for the town of Indianapolis, that agreeable to the provisions of an act authorizing the said agent to contract with Asael Dunning for the building and completion of a ferry house, at the state ferry near Indianapolis—Approved, ——— That according to contract, the said Dunning has completed the same. And whereas, in the opinion of said agent, said Dunning has been necessarily compelled to expend in the erection and completion of said building, one hundred dollars more than the appropriation made for that purpose; Therefore,

*Be it enacted by the General Assembly of the State of Indiana,* That the agent of state for the town of Indianapolis, be and he is hereby authorized to give to the said Dunning, after the expiration of his present lease of said ferry, such further use of said house and ferry as in his opinion will remunerate the said Dunning for the excess of money by him so expended in the erection of said buildings: *Provided however,* That said agent shall take into his consideration, the rent and use of the house had and enjoyed by said Dunning, since the building thereof until the end of his lease, and also take into consideration the use of wood and brick yard of the state, used by said Dunning.

This act shall take effect and be in force from and after its passage.

#### CHAPTER LV.

An Act for the relief of the securities of Nathaniel W. Marks, late sheriff and collector of the county of Rush.

[APPROVED—DECEMBER 29, 1826.]

WHEREAS, By the provisions of a law passed at the last session of the General Assembly, extension of time and power to collect the taxes remaining due in said county, for the years one thousand eight hundred and twenty-two, twenty-three and twenty-four, was given to the securi-



ties of Nathaniel W. Marks, late sheriff and collector of the said county of Rush, when the relief was intended to have application to the year one thousand eight hundred and twenty-five, inasmuch as the revenue for the said year one thousand eight hundred and twenty-two, had been paid over by the said collector. And whereas, the said securities have not been able to collect the revenue authorized to be collected by them fully, on account of the removal of many who were indebted to the adjoining counties: Therefore,

*Be it enacted by the General Assembly of the State of Indiana,* That the securities of Nathaniel W. Marks, late sheriff and collector of the county of Rush, or either of them, be and they are hereby authorized to collect all the state and county revenue remaining unpaid and uncollected, in the said county of Rush, for the years one thousand eight hundred and twenty-three, twenty-four and twenty-five, from the persons owing the same, in whatever part of the state they may reside, for which purpose the full powers given by law to collectors of revenue are extended to the said securities, or either of them who may exercise the same, and further time is given to the said securities for the payment of the state tax due from the county of Rush, for the said years last named, until the second Monday in December next, and for the payment of the county tax remaining due from said collector to the county of Rush, until the first Monday in January, one thousand eight hundred and twenty-eight.

This act to take effect and be in force from and after its passage.

#### CHAPTER LVI.

An Act authorizing Alexander Devin, Robert Milburn and Samuel Hall, to convey a lot therein named.

(APPROVED—JANUARY 4, 1827.)

*Be it enacted by the General Assembly of the State of Indiana,* That Alexander Devin, Robert Milburn and Samuel Hall, the former board of trustees of the Princeton academy, or a majority of them, be and they are hereby authorized to convey lot numbered one, in range one, in the second survey of lots in the town of Princeton, in Gibson county, to the board of trustees of the Gibson county seminary; which conveyance when made, shall vest in the board last mentioned, all the right and title of the board first above named.

#### CHAPTER LVII.

An Act for the benefit of persons who have or are likely to suffer by the destruction of the Records of Dearborn county, which were consumed by fire in the court-house at Lawrenceburgh, on the morning of the 6th of March, 1826.

[APPROVED—JANUARY 11, 1827.]

*SEC. 1. Be it enacted by the General Assembly of the State of Indiana,* That for the purpose of perpetuating testimony concerning of, or relating to any patents, deeds, bills of sale, wills, inventories, powers of attorney, or other instrument of writing which were destroyed by fire in the court-house at Lawrenceburgh as aforesaid, or otherwise, John Porter, George H. Dunn and Arthur St. Clair, be and they are hereby appointed commissioners to receive and admit to record, all evidence offered by any person concerning of or relating to any patent, deed, bill of sale, power of attorney, will, inventory or other instrument of writing, lost or destroyed as aforesaid; and the said commissioners or a majority of them, are hereby authorized to meet at Lawrenceburgh on the first Monday of March next, or at such other time as they or a majority of them shall agree upon; and when so met, to proceed to appoint a clerk, (and in case of vacancy, to fill such vacancy as often as necessary,) whose duty it shall be as clerk to said board of commissioners, to keep a journal of their proceedings, and enter upon record, in a book or books to be kept for that purpose, all evidence or testimony presented to them of or concerning any patent, deed, bill of sale, will, power of attorney, inventory or other instrument of writing, by any person who may wish to have such testimony perpetuated: *Provided, however,* That no testimony shall be received concerning of or relating to any such patent, deed, bill of sale, will, power of attorney, inventory or other instrument of writing, until the person offering such testimony, shall prove to the satisfaction of the commissioners by his or her affidavit, or the affidavit of some other person, that such patent, deed, will, bill of sale, power of attorney, inventory or other instrument of writing, is destroyed or lost: *Provided, also,* That said commissioners and their clerk, before they enter upon their official duties, shall each take an oath before some person duly authorized by law to administer oaths, faithfully and impartially to discharge their duties according to law.

*SEC. 2.* Before said board of commissioners shall proceed to receive or admit to record any testimony as authorized by this act, they shall give at least three weeks previous notice of the time and place of their meeting in some newspaper published in said county; or if no newspaper should at that time be published in that county, by setting



up one or more notices in each township in the county aforesaid.

SEC. 3. Said board of commissioners when met pursuant to notice as aforesaid, may proceed to business sit on their own adjournments, and are hereby vested with all the authority necessary to carry into effect the intention of this act, to administer oaths, issue subpoenas, and compel the attendance of witnesses under the same penalties that they are compelled to attend when subpoenas issue from the circuit court.

SEC. 4. If any person shall produce any patent, deed, bill of sale, inventory, power of attorney, or any other instrument of writing, duly executed with an endorsement of the present or any former recorder of Dearborn county, that the same had been recorded in the records of the said county; such patent, deed, bill of sale, inventory, power of attorney or other instrument of writing, with all the official endorsement thereon, shall be entered at full length in the book kept for that purpose; and any paper or writing which shall be presented to said commissioners and proved to be a correct copy of any patent, deed, bill of sale, will, inventory, power of attorney, or other instrument of writing, that has been lost or destroyed, shall be entered on record, at full length, with the testimony relating thereto; and if the witness or witnesses to any such copy of any writing so lost or destroyed, are dead, or cannot be had, the person or persons interested therein, may produce other testimony in support of his, her, or their claim; and the testimony so produced shall be received and recorded as aforesaid.

SEC. 5. The records of said board of commissioners, or copies thereof, or of any part thereof, certified by their clerk, or by any person duly authorized by law, to give certified copies of such records, shall be read in evidence in any court of record in this state, at any time when circumstances require it.

SEC. 6. All testimony relating to probate business shall be recorded in a book, separate from other testimony authorized by this act to be recorded, and all copies of wills and other papers relative to decedents' estates, whether testate or intestate, shall be recorded in such book; and at the close of the business of said board, they shall certify such records to be true copies of the testimony produced to them, which shall be attested by their clerk and deposited with the court of probate; and the balance of their proceedings and records shall be certified in like manner, and deposited with the recorder of the county, to be kept in his office for the benefit of all concerned.

SEC. 7. A majority of said commissioners shall constitute a board to do business, and they and their clerk shall continue in office three years if it shall be necessary, and in

case of a vacancy in said board, it shall be filled by the board of supervisors or persons authorized to do county business in said county, at their next session after such vacancy may happen.

SEC. 8. Certified copies of all wills and letters testamentary, and letters of administration, shall be admitted to record at full length, together with all authenticated vouchers of settlements of decedents' estates, together with all testimony relating thereto, and all executors, administrators and guardians, whose bonds have been destroyed, are hereby required to file new bonds, with security to be approved by the court, within three months from the time of the taking effect of this act; and until such bond is filed, no such executor, administrator or guardian, shall be authorized to transact business, by virtue of his, her or their appointment as such; and should no bond be filed before the expiration of three months as above, then such executor, administrator or guardian, shall be considered as if he or she had resigned said appointment, and the court of probate shall proceed to appoint others in the same manner as if a resignation or voluntary refusing to act had been formally made; and the person last appointed may in a reasonable time, compel such persons so neglecting to comply with the provisions of this act, to settle and account for all money or other articles of value that has come into their hands, as executor, administrator or guardian: *Provided however*, If such executors, administrators or guardians, is not a resident of this state, or is absent, the court may then give such further time to comply as above, as they shall deem reasonable.

SEC. 9. The commissioners aforesaid shall receive each one dollar and fifty cents per day, for each day they shall be necessarily employed in attending to their duties as commissioners; and the clerk of said board shall receive one dollar and fifty cents per day, for each day he shall be employed in performing the duties of his office as clerk; and all the expenses of books, paper and stationery, of every description, and pay of commissioners and clerk, shall be paid out of the county treasury; and it is hereby made the duty of the board of supervisors, or other persons authorized to do county business in Dearborn county, to allow the same on their presenting their accounts. The commissioners shall have their accounts certified by their clerk, and the account of the clerk shall be certified by the commissioners, which accounts so certified and allowed, shall be paid out of the county treasury as other claims are paid. The parties concerned shall pay their own witnesses at the same rate that witnesses are paid for attending the circuit court.

SEC. 10. The Dearborn circuit court in term time is



hereby authorized and required, on motion of any person, by himself, herself, themselves, or his, her, or their attorney, on satisfactory evidence being produced, that he, she, or they (as the case may be) has a judgment in said court, the record of which has been destroyed or burned, to cause such judgment to be re-entered as of the former date; and such judgment when so entered, shall continue to possess all the liens, and have all the effect that it could have had if the records had never been destroyed: *Provided however*, That the judgment debtor shall have at least ten days previous notice of such intended motion, by leaving with him, her, or them, or at his, her, or their usual place of abode, a written notice of such intended motion, a copy of which notice shall, if required, be presented in court by some respectable citizen of the county, who shall testify on oath, that it is a true copy of a notice left by him, with such judgment debtor, or at his, her or their usual place of abode: but if such judgment debtor is not a resident of this State, by giving four weeks previous notice in a newspaper published in said county, or if no newspaper should be published in said county, then in some newspaper published most convenient thereto, and if execution has been issued on such judgment, and the facts relating thereto can be proved to the satisfaction of the court by any officer, who either issued or acted on the same; and if such execution and the return thereon have been destroyed, the parties, or either of them shall be permitted to prove the issuing and service on such execution and return made thereon, and have the same made a matter of record; and the same process shall be issued in favor of the judgment creditor on such judgment, execution and return that he would have been entitled to, had said execution and return not been destroyed; and the court on hearing the evidence, shall determine what process such judgment creditor is entitled to; but should the judgment debtor or opposite party deny the existence of such judgment so alleged against him, he shall be entitled to a jury to determine the fact, and the jury shall bring in their verdict according to evidence.

SEC. 11. In all cases where suit has been brought, or may hereafter be brought in the Dearborn circuit court, on any judgment, the record of which has been destroyed, either by action of debt at law, or bill in equity, it shall be lawful for the defendant to deny the fact of such burning by a proper plea, and the same shall be determined by a jury as other pleas are tried; and if the fact of the destruction of the records be clearly proved, it shall not be necessary to prove the precise amount of the judgment, interest and cost, the records of which have been destroyed as aforesaid; but the jury shall bring in their verdict for such an amount as shall be proved, including interest and cost.

This act to take effect and be in force from and after its publication in the Indiana Palladium, a weekly newspaper printed in Lawrenceburgh, the expense of which shall be paid out of the county treasury of said county.

## CHAPTER LVIII.

An Act authorizing Henry Thornburgh and Henry Hoover, administrators of the estate of John Charles, deceased, to convey a certain water privilege.

[APPROVED—JANUARY 14, 1827.]

WHEREAS, It has been represented to this General Assembly, by the petition of Joseph P. Plummer, and the certificates of Jeremiah Cox and Samuel Charles, that Jeremiah Cox and John Charles, (the latter since deceased) did mutually agree to exchange certain water privileges on the East Fork of Whitewater, but in consequence of the untimely death of the said John Charles, the legal conveyance of said water privilege was prevented, since which time Joseph P. Plummer has become possessed of the mills and water privilege of the said Jeremiah Cox; that the said Jeremiah Cox will not convey to the estate of John Charles, deceased, his water privilege, until the administrators of the estate of John Charles, deceased, shall be legally authorized by the General Assembly, to convey to Joseph P. Plummer the water privileges now in the possession of the heirs of John Charles, deceased: For remedy whereof,

*Be it enacted by the General Assembly of the State of Indiana,* Relief. That Henry Thoruburgh and Henry Hoover, administrators of the estate of John Charles, deceased, are hereby authorized upon satisfactory proof being made to them, that such was the contract between John Charles and Jeremiah Cox with each other, to make to the said Joseph P. Plummer, a good and sufficient deed to the water privilege, as set out in the above preamble; and they the said administrators are hereby authorized to convey all the right, title, claim and interest of the heirs of the said John Charles, deceased, unto the aforesaid Joseph P. Plummer; which deed when so made on the proof aforesaid, shall forever bar the heirs of the said John Charles, deceased, from all claims to the water privilege so conveyed.

This act to take effect and be in force from and after its passage.

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## CHAPTER LIX.

An Act authorizing Daniel Fetter and Louis Shryer to purchase and occupy five acres of land therein named.

(APPROVED—JANUARY 26, 1827.)

Relief.

*Be it enacted by the General Assembly of the State of Indiana,* That Daniel Fetter and Louis Shryer may be, and they are hereby authorized to occupy and possess five acres of land, including a spring of water, to be laid off either in a square or in an oblong, not more than forty poles in its greatest length, parallel with and adjoining on the east side the western boundary line of the south west quarter of section thirty, of the reserved township of land, in Monroe county, for the purpose of building a steam mill thereon; and the said Fetter and Shryer shall be entitled to purchase the said five acres at the sale of said reserved township, on the first Monday of October next, by paying five dollars per acre for the same, any law to the contrary notwithstanding.

This act to take effect and be in force from and after its passage.

## CHAPTER LX.

An Act for the sale of the real estate of Thomas Bullitt, deceased.

[APPROVED—JANUARY 26, 1827.]

WHEREAS, It has been represented to this General Assembly by Diana M. Bullitt, administratrix of Thomas Bullitt, deceased, that she hath fully administered the personal estate of said decedent, and that there yet remain due by said estate, debts to the amount of twenty thousand dollars; that there is a large quantity of real property within the state of Indiana, belonging to the infant heirs of said Thomas Bullitt, which she prays may be sold for the payment of said debts, or a part thereof: Therefore,

Relief to the adm'rs and heirs of Bullitt.

*Be it enacted by the General Assembly of the State of Indiana,* That the said administratrix be and she is hereby authorized to sell from time to time, at private or public sale, so much of the real property of the estate of the said Thomas Bullitt, as may be sufficient to satisfy and pay the debts due by said estate; and that upon the sale of any such real estate, the said administratrix in conjunction with such of the heirs as may have or shall at the time of such sale be of full and lawful age, may make and execute a deed or deeds of conveyance therefor, which shall be as good and valid against the heirs of the said Thomas Bullitt, as if made and executed by him in his life time; any law, usage or custom, to the contrary notwithstanding: *Provided however,*

That previously to the execution of any power vested in said administratrix by the provisions of this act, she shall give bond and security, to be approved of by the associate judges of Clark county, under such penalty as they shall require, conditioned faithfully to account for all moneys resulting from the sale of any such property.

## CHAPTER LXI.

An Act to authorize the executors of William Ballard, deceased, to convey certain lands therein named.

[APPROVED—JANUARY 26, 1827.]

WHEREAS, It appears to this General Assembly, that William Ballard late of Hendricks county, deceased, and Alexander Little, of Washington county, purchased of the United States in partnership, the following half quarter sections of lands, viz: the east and west halves of the south east quarter of section thirty-one, in township fifteen, north of range one east, and the west half of the south west quarter of section thirty-two, in township fifteen north of range one east; titles to which lands have been granted to the said Ballard and Little by the General Government, and that after the purchase aforesaid, they made such division of their said purchase, as that said Little was to pay for and hold the east half of the south east quarter of section thirty one, in township fifteen, north of range one east, and the west half of the south west quarter of section thirty-two, township fifteen, north of range one east; and the said Ballard was to pay for and hold the west half of the south east quarter of section thirty-one, township fifteen, north of range one east: And whereas, the last mentioned half quarter section held and owned by the said Ballard, was during his life time, exchanged for another half quarter section of and with Thomas J. Matlock, and the said land so exchanged as aforesaid, taken possession of by the parties, in pursuance of said exchange, and no conveyance made of the title by said William Ballard during his life time: And whereas, the executors of the said William Ballard are desirous to convey said last described half quarter section to the said Thomas J. Matlock, in pursuance of the contract and will of their testator, which they are unable to do without the concurrence of the said Little, in whom a moiety of the legal title to all said three half quarter sections of land is vested: For remedy whereof,

*Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for the executors of the said William Ballard, on being satisfied by legal evidence of the

Relief of Ballard's ex'rs & others.



existence of the contracts aforesaid, and on receiving from said Little a deed in fee simple, with general warranty, of the half quarter section of land so as above transferred in exchange to Thomas J. Matlock; and also a deed with general warranty from said Matlock for the land by him exchanged, to convey to him said Little at the right of their testator to the other two of the aforesaid half quarter sections of land, and also to convey to the said Thomas J. Matlock, the half quarter section of land so as above exchanged by their testator, and their proceedings in pursuance of this act shall be deemed and taken as valid, legal and binding, as if the same were done and executed by the said William Ballard in his life time.

This act to take effect and be in force from and after its passage.

## CHAPTER LXII.

An Act to authorize Polly Branham, administratrix of Lindsfield Branham, to sell and convey certain lands therein named.

[APPROVED—JANUARY 27, 1827.]

WHEREAS, It is represented to this General Assembly, that Lindsfield Branham, late of Jefferson county, held an undivided moiety of the south east quarter of section twenty-one, of township four, north of range ten east; and a lot of six or eight acres adjoining said quarter section, and that the said Branham had sold several lots or parcels of said land, and given obligations to convey the same; and it is also represented that it would be advantageous to the heirs of said Branham to sell the residue of said land: Therefore,

*Be it enacted by the General Assembly of the State of Indiana,* That Polly Branham, administratrix of Lindsfield Branham, be and she is hereby authorized to convey by deed, agreeably to the tenor of the respective obligations given by said Branham, all lots or parcels of land sold by her late husband, being a part of the above mentioned tract, and also to sell for the best price that can be had for the same, all the residue of said tract, and convey the same to the purchasers by deed with general warranty, and the proceeds to invest in good lands at the minimum price of congress lands, for the benefit of said heirs.

Relief of  
Branham's  
executrix.

## CHAPTER LXIII.

An Act authorizing Samuel S. Graham to convey certain lots in the town of Paris, Jennings county.

(APPROVED—DECEMBER 30, 1826.)

WHEREAS, It hath been represented to this General Assembly, that heretofore Samuel S. Graham by donation granted in fee simple to certain trustees, a certain tract of land, situate in the town of Paris, in the county of Jennings, for the purpose of being divided into town lots, and conveyed in fee simple to purchasers of the same: And whereas also, the said trustees to whom the said grant was made, after having divided the said land into lots, sold the same and executed bonds to purchasers for deeds in fee simple, upon the performance of certain conditions therein named: And whereas, the said trustees have since removed from this state and deceased, without having executed deeds agreeably to said bonds, and there being no provisions for the appointment of other trustees: For remedy whereof:

*Be it enacted by the General Assembly of the State of Indiana,* That the said Samuel S. Graham, the original owner of said land, be authorized to execute deeds of conveyance in fee simple for all the lots laid out upon said land so granted as aforesaid, to the purchasers of the same, their heirs or legal representatives, agreeably to the conditions of the bonds of said trustees; and that such deeds shall vest in the purchasers of said lots, their heirs and legal representatives, the same title, right and interest, as fully and absolutely as if the same were conveyed by the trustees aforesaid.

This act to be in force from and after its passage.

## CHAPTER LXIV.

An Act for the benefit of the widow and heirs of Peter B. Wright, deceased.

[APPROVED—JANUARY 11, 1827.]

WHEREAS, the said Peter B. Wright departed this life on the twelfth day of October, 1824, intestate, being in possession among other things, of one quarter section of land, to wit: the south east quarter of section twenty-five, of township five, in range three, west of the principal meridian of lands directed to be sold at Cincinnati; and also of twenty-eight acres of land adjoining said quarter: Now therefore, as it appears to the satisfaction of this General Assembly, that it will greatly conduce to the interest and benefit of the widow and heirs of the said Peter B. Wright, to have the said quarter section with the



adjoining twenty-eight acres, sold for the best price that can be had for the same: Therefore,

*Be it enacted by the General Assembly of the State of Indiana,*

Relief of P. B. Wright's heirs.

That Amos Bonestel the administrator, and Elizabeth Wright the administratrix of the estate of the said Peter B. Wright, be and they are hereby empowered to sell and convey in fee simple, all the right of the said Peter B. Wright in and to the said land, and the money arising from said sale shall be divided between the several heirs of the said Peter B. Wright, according to law, the widow and administratrix aforesaid, retaining one third thereof, which is subject to her use for and during her natural life. The conveyance hereby authorized shall vest in the purchaser the title as completely as if the said land had been conveyed by said Peter in his life time; and if any of the said heirs on coming to lawful age, shall have reason to believe there has been any fraud in the sale of said land, they are hereby entitled to a remedy against the said administrator and administratrix. The said administrator and administratrix, previous to making any such sale, shall file in the office of the clerk of the probate court of the county of Dearborn, a bond with security to his acceptance in the penalty of one thousand dollars, conditioned for the proper distribution of the money arising from said sale according to law.

This act to take effect and be in force from and after its publication.

#### CHAPTER LXV.

An Act to authorize Franklin F. Sawyer to sell and convey certain real estate.

[APPROVED—JANUARY 26, 1827.]

WHEREAS, It is represented to the General Assembly that certain property of Daniel Sawyer, deceased, by authority of his will, has been vested in real estate, situate in Pike county, Indiana, for the benefit of his heirs; that some of the heirs have since become of age, or have married, and are desirous to receive their shares of the estate, that others of the heirs are infants, and that it would be to the interest of all concerned to have the estate sold and the proceeds thereof properly applied:

Therefore,

*SEC. 1. Be it enacted by the General Assembly of the State of Indiana,* That Franklin F. Sawyer, executor of Daniel

Relief of Sawyer's executor and heirs.

Sawyer, deceased, be and he is hereby authorized on behalf of the infant heirs of his said testator, to join in any sales and conveyances of the said real estate in Pike county, or of any part thereof, with the other heirs of the estate who are by law qualified to act themselves; and such sales

and conveyances by the heirs so qualified, and by the said executor on behalf of the said infants when completed, shall be as valid to every intent and purpose as any sale and conveyance of the property could be by the heirs were they all of lawful age.

*SEC. 2.* That no such sales shall be made by virtue of this act, until the said executor shall file in the clerk's office of the circuit court of Pike county, bond with security to be approved of by one of the judges of the circuit court, for the faithful discharge of the trust by this act conferred on him; also an inventory of the said real estate, and an appraisement thereof by three disinterested freeholders; nor shall such sales and conveyances be valid and obligatory upon the said infant heirs, until the same shall be approved by an order of the circuit court.

*SEC. 3.* That the proportion of the proceeds of the said sales to which the said infant heirs shall by law be entitled, shall be applied to the best advantage for their benefit by said executor, under the direction of the said circuit court.

#### CHAPTER LXVI.

An Act for the relief of persons owning lots in Springfield, the late seat of Justice of Posey County.

APPROVED—DECEMBER 30, 1826.]

*SEC. 1. Be it enacted by the General Assembly of the State of Indiana,* That each and every person, who may be the owner of any lot of ground in Springfield, the late seat of justice of Posey county, who may feel himself, herself, or themselves aggrieved by the appraisement of the damages assessed by the commissioners who were appointed to relocate the seat of justice of the above named county, and also to appraise the damages which the owners of lots in the said town of Springfield sustained in consequence of said relocation, to apply to the board of justices of said county at their meeting on the first Monday of May next for redress.

Relief of owners of lots in Springfield.

*SEC. 2.* It shall be the duty of the board of justices of said county to award such further sum or sums to the owners of said lots, as a majority of the board shall upon examination and strict enquiry, deem to be just and equitable, to be paid out of any funds in the treasury not otherwise appropriated: *Provided, however,* That the applicants have not already received a sufficient compensation for their damages.

*SEC. 3.* If any of the justices of said county are the owners of any lot or lots in the said town of Springfield, or are directly interested in any kind of property in said town, they shall be prohibited from acting as members of the



board during the discussion thereof, and shall in no case vote on any question relative thereto.

This act to take effect and be in force from and after its passage.

### CHAPTER LXVII.

An Act for the relief of Jesse Jackson, late Collector of the revenue for Scott County.

[APPROVED—JANUARY 22, 1827.]

Relief of J.  
Jackson.

*Be it enacted by the General Assembly of the State of Indiana,* That Jesse Jackson, late collector of the revenue for Scott county, for the year eighteen hundred and twenty-one, be allowed twenty-four dollars sixty-eight and three-fourth cents, and the auditor of public accounts is hereby authorized to audit, and the treasurer of state to pay the same out of any monies in the treasury not otherwise appropriated.

This act to take effect from and after its passage.

### CHAPTER LXVIII.

An Act for the relief of John M. Wilson, late Sheriff and Collector for Fayette County, and for other purposes.

[APPROVED—JANUARY 26, 1827.]

Relief of J. M.  
Wilson.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the forfeiture and per centum accruing to the state of Indiana on a judgment rendered against John M. Wilson, late sheriff and collector of Fayette county, and his securities for a balance of the state revenue for the year eighteen hundred and twenty-two, be and the same is hereby remitted: *Provided however,* That nothing herein shall operate to exempt the said John M. Wilson and his security from liability for the costs of court and fee of the prosecuting attorney.

Relief of J.  
W. Lee.

SEC. 2. That John W. Lee, sheriff and collector of Monroe county, for the year eighteen hundred and eighteen, be allowed the sum of thirty-seven dollars sixty-six and two third cents for delinquencies for that year.

Relief of J. C.  
Caldwell.

SEC. 3. That James C. Caldwell be allowed the sum of thirty-four dollars and twenty-nine cents, for money paid into the state treasury on delinquent lists put into the hands of said Caldwell for former years, when such delinquent list had been collected by William H. Moore, former collector of Clark county.

Relief of Henry  
Anderson.

SEC. 4. That Henry Anderson, collector of Parke county, for the year eighteen hundred and twenty-four, be allowed the sum of twenty-two dollars and fifty cents for de-

linquencies paid in for that year, for persons living in what was called Wabash county, who were only attached to Parke county for judicial purposes.

### CHAPTER LXIX.

An Act for the relief of the securities of Abraham Elliott, sheriff of Wayne county.

[APPROVED—JANUARY 25, 1827.]

*Be it enacted by the General Assembly of the State of Indiana,* That the board of justices of the county of Wayne, be and the same are authorized to audit and allow Abraham Elliott, or his securities, any credits or allowances at any regular board, in the year 1827, which they or their predecessors in office might have made or allowed during the time wherein the said Abraham Elliott was collector of county revenue; and such allowances when made and certified, shall be credited on the books of the county treasurer, and by the said county treasurer credited on any judgment that may have been rendered, or in any suit pending against the said Abraham Elliott and his securities.

Relief of El-  
liott's securi-  
ties.

This act to take effect and be in force from and after its passage.

### CHAPTER LXX.

An Act for the relief of Ansel Richmond, Recorder of Madison county, and Clerk of the Madison Circuit Court.

(APPROVED—JANUARY 4, 1827.)

*Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for Ansel Richmond, recorder of Madison county, and clerk of the circuit court of the same, to hold his offices and keep his books and papers belonging to said offices, at the house of Nathaniel Richmond, in said county, except in times of holding courts, until the lots shall be sold in the town of Bedford, the seat of justice for said county, and until a suitable room can be prepared at the seat of justice.

Relief of A.  
Richmond.

This act to take effect and be in force from and after its passage.

### CHAPTER LXXI.

An Act for the relief of William W. Wick.

(APPROVED—JANUARY 27, 1827.)

WHEREAS, It appears to the satisfaction of the General Assembly of the state of Indiana, that William W. Wick



in the month of February 1822, lost from his possession the sum of fifty-five dollars in treasury notes, in five dollar bills, which have not as yet been received at the treasury of this state: Therefore,

*Be it enacted by the General Assembly of the State of Indiana,*

Relief of W.  
W. Wick.

That the auditor be directed to audit, and the treasurer of state to pay to the said William W. Wick, the said sum of fifty-five dollars: *Provided however,* that previously to receiving the said sum of money out of the treasury, the said William W. Wick shall file in the office of the treasurer of state, a bond with security to be approved of by the auditor and treasurer of state, payable to the state of Indiana, in the penal sum of one hundred and ten dollars, conditioned to refund the said sum of fifty-five dollar, with interest thereon, whenever the amount of five dollars treasury notes unreceived at the treasury of this state shall be less than the said sum of fifty-five dollars.

This act to take effect and be in force from and after its passage.

## CHAPTER LXXII.

An Act to amend the several acts now in force, relative to assessing and collecting the revenue.

[APPROVED—JANUARY 24, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana.* That the board of justices, or proper persons authorized to do county business in their respective counties are hereby authorized and required to make their settlements, and publish or cause to be published, a statement of the receipts and expenditures of their several counties, respectively, at their meeting in January, instead of November, as is now provided by law; and at the same time appoint one suitable person in each township, an assessor for such township; or if they deem it advisable, appoint one or more assessors in such county, for the ensuing year; and shall at their January or May meeting, as they may deem most suitable, fix on the rate of taxation for that year for county purposes.

Statement of receipts & expenditures to be made, and assessors appointed at the January session.

SEC. 2. It shall be the duty of the several boards of justices of the peace, or other persons authorized to do county business, before the delinquent list of taxes of any former year is put into the hands of the collector, to strike off all lands which they may know have been forfeited or relinquished to the General Government; and that it shall be the duty of collectors, at the same time that they make, sign and swear to their delinquent lists, to make out, sign and swear to, in the manner prescribed by this act, and

Public lands to be stricken from the delinquent list.

the acts to which it is an amendment, a list of the amount of property and taxes assessed and collected from unassessed property and persons, and that no allowance shall be made to any collector on his delinquent list, until he shall have complied with the provisions of this act, and the acts to which this is an amendment.

SEC. 3. It is hereby made the duty of the clerk of the board of justices, or proper persons authorized to do county business, in each county in this state, to publish a list of the unassessed property that has been assessed for collection by the sheriff or collector, in the same manner and at the same time that he publishes the delinquent list; and for failing to comply with the foregoing provision, he shall be subject to the same penalty for failing to publish the delinquent list. It shall be the duty of the several collectors within this state, on the receipt of the full amount of the state and county revenue due from the person who may pay the same, to execute to such person a receipt therefor, in which the amount so paid shall be particularly designated and set down in writing in words at full length.

Property assessed by collector to be published.

SEC. 4. That hereafter it shall be the duty of the boards of justices of the several counties, or other persons authorized to do county business, at the time that the collector makes return of the amount of taxes collected by him off unassessed property and persons, to make an order, and say how much the assessor of that year shall be deducted from the pay allowed to such assessor, for failing to assess such persons and property not assessed as aforesaid: And if such assessor shall have received his pay for assessing, such assessor and his securities shall be liable on their bonds for the amount which the board of justices, or other persons doing county business, shall say as aforesaid such assessor ought to pay for such failing to assess.

Allowance to assessor may be defalcated for negligence in assessing.

SEC. 5. It shall be the duty of each and every collector, on being informed that any non-resident is standing a covering horse in his collection district, to assess and collect the same amount of tax from the owner or keeper of such horse, that resident owners of such horses are required to pay as a tax in similar cases.

Non-resident owners of covering horses to be taxed.

SEC. 6. That hereafter it shall be the duty of any person or persons who may intend to exhibit to public view or show any animal or animals, wax-work or other figures, rope and wire dancers, for gain, to apply to the treasurer of each county where such animal or animals, wax work, or other figures are to be shown, and pay to said treasurer the sum of five dollars, who shall receipt for the same; which receipt shall be presented to the clerk of the proper county, who is hereby required to make out his certificate under the seal of said county, for which such clerk shall be entitled to receive as a fee therefor, the sum of fifty cents,

Persons exhibiting shows to be taxed.



which shall be a sufficient voucher for such applicant or his agent, to show or exhibit such animal or animals, wax work or otherwise, during his stay in such county; and should any person refuse or neglect to avail himself or themselves of the provision herein contained, such person or persons shall be liable to pay a fine not exceeding twenty dollars with costs; and all sheriffs, coroners, constables and justices of the peace, in the several counties, are hereby enjoined to carry into effect the provisions of this section: *Provided*, said license shall not be transferable.

Certificates of jurors how payable.

SEC. 7. The certificates of the clerks of the circuit courts issued to grand and petit jurors, for their services as such jurors, agreeably to the provisions of the eighth section of an act, entitled "An act to amend the act, entitled an act to regulate the judicial circuits, and fixing the times of holding courts"—Approved, February 12, 1825, shall be paid in the same way and manner that any other orders or drafts are paid which are issued by any legal authority, payable at the treasury of the county; and the collectors of county taxes are hereby required to receive any such certificates as cash to the full amount of their face, in the payment of any taxes due to his county.

Amount of land tax fixed.

SEC. 8. That there shall hereafter be assessed and collected for state purposes, a tax at the rate of eighty cents on each hundred acres of first rate land; of sixty cents on each hundred acres of second rate land; and of forty cents on each hundred acres of third rate land; and thirty-seven and a half cents on each poll, and no more, to be assessed, collected and paid over, according to the laws of this state upon the subject of the revenue: *Provided however*, That nothing herein contained shall be so construed as to make any change in the existing law in respect to county taxes: *Provided however*, That nothing in this act, or the act to which this is an amendment, shall be so construed as to prevent the lister of the county tax from omitting listing any horse, mule or ass, that shall not exceed ten dollars in value, to be decided by the lister: *Provided also*, That hereafter no poll tax shall ever be levied and collected from any person over sixty years of age; any law or usage to the contrary notwithstanding: *Provided*, That no tax shall be assessed on any land purchased from the United States, unless the same shall have been purchased five years previous to the time of the assessor making his return of assessment.

This act to take effect and be in force from and after its passage.

## CHAPTER LXXIII.

An Act to amend an act, entitled "An act providing the mode of opening and repairing public roads and highways in certain counties therein named"—Approved, January 12, 1826.

[APPROVED—JANUARY 24, 1827.]

*Be it enacted by the General Assembly of the State of Indiana*, That hereafter when any supervisor shall have been appointed under the provisions of the act to which this is an amendment, and shall neglect or refuse to discharge any of the duties required of him by said act, he shall for every such offence be fined in any sum not exceeding fifty dollars, <sup>Penalty for neglect.</sup> by presentment or indictment in any court having competent jurisdiction; that so much of the acts of 1824 and 1825, on the subject of opening and repairing public roads and highways as contravenes the provisions of the act to which this is an amendment, be and the same is hereby repealed. <sup>Repeal.</sup>

## CHAPTER LXXIV.

An Act to repeal part of an act, entitled "An act providing the mode of opening and repairing public roads and highways in certain counties therein named."—Approved, January 21, 1826.

[APPROVED—JANUARY 19, 1827.]

*Be it enacted by the General Assembly of the State of Indiana*, That so much of the act aforesaid, as relates to the counties of Union and Harrison, be and the same is hereby repealed, and the general act providing the mode of opening and repairing public roads and highways in this state, be and the same is hereby revived in said counties of Union and Harrison.

This act to be in force from and after its passage.

## CHAPTER LXXV.

An Act concerning State Roads.

[APPROVED—JANUARY 26, 1827.]

*Be it enacted by the General Assembly of the State of Indiana*, That all state roads heretofore laid off through any county in this state, or which may hereafter be laid off by any act of the General Assembly, and which are to be opened and kept in repair by the labor of the citizens of the respective counties, and on which roads no part of the three per cent. has been appropriated and expended, may be changed or vacated in whole or in part by the boards of county justices or persons doing county business, in the same manner that roads or highways laid off by the authority of the county justices are provided to be vacated; and such board

Mode of vacating state roads.



of justices or other persons doing county business are authorized to proceed on all applications to vacate any state road leading through said county, in the same manner as if the said road proposed to be vacated were laid off under their authority.

## CHAPTER LXXVI.

An Act to enable the citizens of Vigo county to appropriate their road fund to the removal of stagnant waters in said county.

[APPROVED—JANUARY 16, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be, and it is made the duty of the board of justices of the county of Vigo, at their May session in each and every year, to appoint some suitable person to serve as a commissioner for the term of one year, and until a successor is chosen and qualified; whose duty it shall be to examine and locate such routes as may be authorized from time to time by the board of justices for the purpose hereinafter mentioned.

Commissioner,  
to be appointed.

His duty.

SEC. 2. That application shall be made to the board of justices for the location of such routes as may be necessary to carry into effect the objects hereby contemplated, in the same way and manner that application is made for the establishment of public roads and highways, except that the commissioner so appointed or to be appointed, shall have the sole power to locate the same.

Mode of establishing routes.

SEC. 3. That upon application being made to the board of justices, as herein before mentioned, it shall be, and it is hereby made the duty of said board, to notify the commissioner of such application, and to instruct him to make the examination, whose duty it shall be to examine the same, and if, in his opinion the proposed route would be of public utility, he is hereby authorized to proceed to locate the same, and to make a report thereof to the next succeeding board of justices, together with an estimate of the probable expense that would accrue in the several road districts, through which the said location may be made; which said report shall be entered of record upon the records of the board of justices, and shall be considered and deemed in all respects as public roads and highways, subject to the same penalties for obstructing or impairing the whole or any part thereof.

Further duty of com.

SEC. 4. That it shall be the duty of the board of justices immediately upon entering the report of the commissioner upon the records of said board, to set apart the whole, or such proportion of the road fund due on the several road districts, through which the said location shall be made

Road fund how disposed of.

as they may deem expedient; and also to set apart and appropriate not exceeding one-half of the labor due on the several road districts, through which the said location may be made, which shall constitute a fund for the purpose of carrying into effect the provisions of this act; and it is hereby made the duty of the said justices, to notify the commissioner thereof, and to place the fund at his disposal, who is hereby empowered to draw for the same in such manner as may be authorized by the board of justices.

SEC. 5. That it shall be the duty of the commissioner upon receiving notice as aforesaid, to lay off the said routes into convenient sections, and to advertise a time and place where he will let out the same to the lowest bidder, taking bond and security of the undertaker for the faithful performance of the contract; which said bond shall be made payable to the county treasurer for the use of the road fund.

SEC. 6. That the commissioner at the time of making contracts, shall give the contractor or contractors a draft upon the supervisor or supervisors for the number of days work set apart by the board of justices, as a part of the fund for the purpose hereby contemplated; and it is hereby made the duty of the supervisor, upon ten days notice given by the undertaker, to proceed to work out the number of days so set apart under the direction of the contractor within his proper road district.

Mode of applying labor to this object.

SEC. 7. That the said commissioner shall be, and he is hereby authorized to receive donations to be appropriated under the provisions of this act in the same way and manner that other funds are to be appropriated.

Donations may be made and expended.

SEC. 8. That the commissioner shall, before entering upon the duties enjoined upon him by this act, give bond and approved security in the sum of five hundred dollars, conditioned for the faithful performance of his duty, payable to the board of justices for the use of the road fund, and take an oath before some person authorized to administer oaths; and the said commissioner shall be allowed one dollar per day for his services.

Com. to give bond and take oath.

SEC. 9. That all county roads in said county, be and the same are hereby increased in width to fifty feet: *Provided*, That the supervisors of roads in said county, shall not be required to carry this section into effect, until after the expiration of one year, from and after the passage of this act.



## CHAPTER LXXVII.

An Act authorizing Arthur Major to build a bridge across Big Flat Rock.  
[APPROVED—JANUARY 26, 1827.]

Building of  
bridge autho-  
rized.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Arthur Major of Shelby county, be and he is hereby authorized to build a bridge over Big Flat Rock, within the county of Shelby, at or near said Major's farm, where the road leading from Morven post-office in the county of Shelby, to John Robertson's in Decatur county, crosses said river; the bridge shall be built of good materials, and when completed shall be free for all persons wishing to cross the same, without paying any compensation therefor.

Mode of build-  
ing the same.

SEC. 2. The said Major shall keep a correct memorandum of every day's work that may be performed by persons living within the counties of Decatur and Shelby, and a copy of such memorandum he shall hand over or transmit under his hand to the proper supervisors of the road, in any of the townships where such persons so working on the said bridge may reside; and the said supervisors shall enter in favor of said persons so working, a credit for one day's work for each and every day they may have worked on said bridge.

Penalty.

SEC. 3. If any person shall after said bridge is completed, fall any timber on the same, or obstruct the passage in any manner whatever, or shall injure the said bridge, such falling, obstructing and injuring as aforesaid, shall be considered nuisances, and the persons guilty of the same, shall be liable to indictment, and on conviction, shall suffer all the penalties provided for persons who are guilty of nuisances.

This act to take effect and be in force from and after its passage.

## CHAPTER LXXVIII.

An Act more fully to carry into effect an act to provide for the appointment of a separate commissioner, for that part of the state road leading from Mauk's ferry to Indianapolis, which lies between the towns of Indianapolis and Franklin.

[APPROVED—JANUARY 25, 1827.]

Mode of as-  
signing a por-  
tion of the  
three per cent  
fund to the  
road from In-  
dianapolis to  
Franklin.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the president of the board of road commissioners on the state road leading from Mauk's ferry to Indianapolis, and also the president of the board of road commissioners, on the state road leading from Madison to Indianapolis, to make out and transmit to the agent of the three per cent. fund, a statement of the whole

amount of moneys expended on the road of which he is commissioner, up to the time of the taking effect of the act to which this is an amendment, including the surveying and locating the same, which statement shall be sworn to by the president making such statement.

SEC. 2. It shall be the duty of the agent of the three per cent fund, on the reception of such statement, to make a calculation of the amount to which that part of the road lying between Franklin and Indianapolis may be entitled, taking into consideration the several acts on the subject of the three per cent. fund roads. Agent's duty relative thereto.

SEC. 3. It shall be the duty of the agent aforesaid, to retain in his hands and pay over to the commissioner on that part of the road lying between Franklin and Indianapolis, any moneys which may appear due to that part of the road. Further duty.

SEC. 4. The agent of the three per cent. fund is hereby restricted from paying over any moneys to the commissioners on the state road leading from Madison to Indianapolis, or to the commissioners on the state road leading from Mauk's ferry to Indianapolis, until the statements provided for in the first section of this act shall be received by him. Further duty.

This act shall take effect and be in force from and after its passage.

## CHAPTER LXXIX.

An Act to amend an act, entitled "An act authorizing the laying off certain state roads in this state, and appropriating one hundred thousand dollars of the fund commonly called the three per cent fund for opening the same"—Approved, December 31, 1821.

[APPROVED—JANUARY 26, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the commissioners appointed by or under the authority of the act appropriating one hundred thousand dollars of the three per cent. fund, for the opening certain state roads, and by the acts supplemental or amendatory thereto, who are now in office, or may hereafter be appointed, shall annually hereafter, on or before the first day of July, in each year, during their continuance in office, transmit to the agent of the three per cent. fund, a detailed statement in writing of the amount appropriated to the road of which they are commissioners, the amount received and the expenditures thereof, distinguishing the proportion expended in each county through which the road may pass, and the extent of the road through each such county; reporting also whether the whole of said road is of Com's to 12, port to agent.



public utility, and if not the whole, what parts of it should be vacated.

SEC. 2. If any of the commissioners of the state roads towards the opening of which any part of the three per cent fund has been appropriated, shall have heretofore failed, or may hereafter fail to comply with any of the provisions of the laws of this state by which they should be governed, or with any of the conditions of the bond by such commissioner given; in such capacity it shall be the duty of the agent of the three per cent. fund, to cause suit to be instituted on the bond filed by such commissioner, for the breach of the condition thereof, and the damages recovered from such commissioner in that behalf shall be appropriated towards the improvement of the road entrusted to him.

SEC. 3. It shall be the duty of the clerks of the several counties through which any state road may run, towards the opening whereof any part of the three per cent. fund is appropriated, to transmit within thirty days after the filing of this law in his office, to the agent of the three per cent. fund by mail, a certified copy of the bond or bonds, if any, which the commissioners of such state road may have filed in the office of such clerk.

SEC. 4. It is hereby made the duty of the agent of the three per cent. fund, within seven days after the commencement of each future session thereof, to lay before the General Assembly a detailed statement of the amount received, and of the appropriations thereof, as reported to him by the several road commissioners.

#### CHAPTER LXXX.

An Act to provide for building certain bridges and for other purposes.

[APPROVED—JANUARY 24, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the money appropriated at the last session of the General Assembly, upon the road leading from Fredonia to the mouth of the Wabash river, which has not yet been expended, shall be applied in equal parts to the construction of a bridge across Anderson's river, one across Big Pigeon creek, and one across Little Pigeon creek, at Steel's mills; Samuel Hinman of Warrick county, is hereby appointed a commissioner on said road, in the place of John Williams; and the said commissioners are hereby authorized and empowered to receive donations by subscription or otherwise, for the construction of the said bridges, or either of them, or for the construction of any bridge upon said road, and may bring suit in their own name for the payment thereof; so much of the act establishing said

Agent may sue com'rs upon their bonds.

Clerks to forward copies to the agent.

Agent to report to the General Assembly.

Manner of applying appropriations heretofore made.

road as comes within the purview of this act is hereby repealed.

SEC. 2. That Rezin Davis of Shelby county, be and he is hereby appointed a commissioner on the state road leading from Rushville to Indianapolis, in the room of Ashbel Stone, heretofore appointed a commissioner on said road.

#### CHAPTER LXXXI.

An Act to provide for the surveying of a state road from Indianapolis to Newport, Vermillion county, Indiana.

[APPROVED—JANUARY 26, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That David Matlock of Hendricks county, John Baird of Putnam county, and Peyton Wilson of Parke county, Matthew Brown of Marion county, be and they are hereby appointed commissioners to view and mark a state road from the west end of Washington street, in the town of Indianapolis, in the county of Marion, on the nearest and best route to Rockville, in Parke county; thence on the nearest and best route to Montezuma, in said county; thence to Newport, in the county of Vermillion, on the best and nearest route: *Provided*, That no county through which said road may pass, shall be compelled to open said road unless they may conceive it their interest so to do, neither shall any county be subjected to the expense of locating said road without the consent of the board of justices of said county.

SEC. 2. The said commissioners shall meet at the court house of Marion county, in said town of Indianapolis, on the first day of June next, or on any day thereafter, that may be agreed upon by a majority of said commissioners, and after taking an oath, faithfully and impartially to discharge the duties enjoined on them by this act, shall proceed to view and mark said road, and shall within thirty days after the location thereof, cause a report of the same to be filed in each of the clerk's offices of the several counties through which the same may pass; which report shall by the said clerks within ten days thereafter, be recorded in the record book of the proceedings of the several boards of justices respectively.

SEC. 3. It shall be the duty of the boards of justices of their respective counties, at their first meeting, after the location of said road, to cause the same to be opened any width not exceeding forty-eight feet, and made agreeable to, and under the several acts that now are or may hereafter be in force for opening and repairing public roads and highways.

Route.

Place & time of meeting.

Duty of commissioners.



Vacancies  
how filled.

SEC. 4. Should any vacancy happen by death, resignation or refusal to qualify, of either of the commissioners appointed by this act, it shall be the duty of the board of justices of the county in which such commissioner resides, or resided, to appoint some suitable person to fill such vacancy.

Compensation.

SEC. 5. It is hereby made the duty of each of the boards of justices in each and every county aforementioned, through which the aforesaid road shall pass, to allow to each of the commissioners such compensation in consideration of their services, to be by them rendered under the provisions of this act, as they may deem just and reasonable, to be paid out of any moneys not otherwise appropriated, in their county treasuries: *Provided*, That each county shall pay in proportion only for the distance said road shall pass through their respective counties: *And provided also*, That the said commissioners shall not be allowed more than one dollar and twenty-five cents per day for each day by them necessarily occupied in discharging the duties herein prescribed.

#### CHAPTER LXXXII.

An Act to establish a road from the town of Crawfordsville, in Montgomery county to the town of Covington, in Fountain county.

[APPROVED—JANUARY 25, 1827.]

Com'rs appointed.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That George Steely of Fountain county, Jonathan W. Powers and Caleb Brown of Montgomery county, be, and they are hereby appointed commissioners to view and mark a state road from Crawfordsville, in Montgomery county, to Covington in Fountain county, on the most direct route the nature of the ground will admit of.

Place & time of meeting.

SEC. 2. The said commissioners shall meet at the said town of Crawfordsville on the first Monday of April next, or as soon thereafter as a majority of them may agree on; and after taking the oath faithfully and impartially, to discharge the duties enjoined on them by this act, shall proceed to view and mark said road, and shall within thirty days after the location thereof, cause a report to be filed in each of the clerk's offices of the aforesaid counties; which report shall by the said clerks, within ten days thereafter, be recorded in the record book of the proceedings of the several boards of justices respectively.

Their duties.

Board of justices to cause the road to be opened.

SEC. 3. It shall be the duty of the boards of justices of their respective counties, at their first meeting after the location of said road, to cause the same to be opened any width not exceeding forty-eight feet, and made agreeably to and under the provisions of the several acts, that now are

or that may hereafter be in force, for opening and repairing public roads and highways.

SEC. 4. Should any vacancy happen by death, resignation or refusal to qualify, of either of the commissioners appointed by this act, it shall be the duty of the board of justices of the county in which such commissioner or commissioners reside or resides, to appoint some suitable person to fill such vacancy.

Vacancies by whom filled.

SEC. 5. It is hereby made the duty of the boards of justices in the aforesaid counties of Montgomery and Fountain, to allow to each of the said commissioners, such compensation as they may deem just and reasonable for their services rendered under the provisions of this act, to be paid out of any monies in their county treasuries respectively, not otherwise appropriated.

Compensation to commissioners.

#### CHAPTER LXXXIII.

An Act respecting the state road from the Wabash by the way of the High Banks on White River to Indianapolis.

[APPROVED—JANUARY 22, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the commissioners on the state road from the river Wabash to the High Banks on White river, be and they are hereby authorized and required to appropriate and lay out the money now in their hands, or so much thereof as may be necessary to open and keep in repair that part of the said road as reviewed and surveyed by William Ballow, Franklin F. Sawyer, and Peter Ammerman, from Petersburg to White river, so as to make the same equally good with the other part of the aforesaid road, after which the balance of the said money shall be equally expended on the road aforesaid, from the Wabash to White river, but no further.

Duty required of com'rs.

SEC. 2. That the agent of the three per cent. fund, be and he is hereby authorized and directed to pay to Franklin F. Sawyer, out of that part of said fund allotted to the state road leading from the Wabash opposite Mount Carmel to the High Banks on White river, the sum of one dollar and seventy-five cents per day, for each and every day he, the said Sawyer was necessarily employed as one of the commissioners in laying off the state road from Petersburg to Washington; and that the said agent, pay to William Ballow and Peter Ammerman one dollar and seventy-five cents per day for each and every day they were necessarily employed as commissioners aforesaid to lay off the said road, out of the fund allotted to the state road leading from the said High Banks on White river to Indianapolis; and the said agent is hereby authorized and directed to pay all at-



tested claims, which remain unpaid, for opening said road, out of the funds appropriated thereto.

SEC. 3. That should the said commissioners deem it necessary or advisable to repair that part of the said road lying between White river and Indianapolis, they shall cause the same to be done agreeably to the several acts now in force, relative to the expenditures of the three per cent. fund upon roads; and the agent aforesaid, is hereby authorized and directed to pay to the said commissioners or their order, out of the fund allotted to the said road from the High Banks on White river to Indianapolis, such sum or sums of money as may be necessary for the purposes specified in this section.

Ag't of three  
per cent. to  
pay com'rs.

#### CHAPTER LXXXIV.

An Act to repeal part of the act, entitled an act to amend an act, entitled "An act for opening public roads and highways, and for other purposes"—Approved, February 12, 1825.

[APPROVED—JANUARY 19, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the first section of the act, entitled an act to amend an act, entitled an act for opening public roads and highways as authorizes the supervisors in that part of the state commonly called the New Purchase, to call out the hands two days in addition to the two days required by that section for their personal privilege be, and the same is hereby repealed.

SEC. 2. It shall be the duty of the boards of justices or persons doing county business in the counties of Bartholomew, Green and Washington, to lay off the roads in said counties into proper districts, and appoint a supervisor in each of the same, whose duty it shall be to call out every able bodied person living within his particular district, over the age of twenty-one years, and under the age of fifty, (preachers of the gospel regularly licensed, and such persons as the boards of justices may excuse, excepted) to work on the public roads and highways whenever he may deem the same necessary; and should any person after having had three days notice from the supervisor, either in person or in writing, left at the usual place of abode of such person, of the time and place he shall be called upon to work, neglect or refuse so to do, he shall forfeit the sum of fifty cents for each and every day he may so neglect or refuse to work, to be recovered by action of debt in the name of the state of Indiana, to be applied by such supervisor to the improvement of the road in his district, and upon the trial thereof, such supervisor shall be a competent witness to prove such

notice and neglect, or refusal to work as aforesaid; and shall not moreover be rendered liable for any costs which may accrue in consequence thereof.

SEC. 3. It shall be the duty of such supervisor to keep the public roads in his district in good repair, and for failure so to do, he shall be fined in the sum of three dollars for each and every offence before any justice of the peace of the proper township, on the complaint of any person; and such supervisor shall have a right, if he may think himself aggrieved by the judgment of such justice, to appeal to the circuit court as in other cases; and should any person so appointed, refuse to take upon him the burthen of said office of supervisor, he shall forfeit the sum of eight dollars, to be recovered by presentment or indictment in any court having competent jurisdiction; and in case of refusal, the persons doing county business at their next session, shall appoint some other person to fill said office.

SEC. 4. The eleventh section of an act, entitled an act for opening and repairing public roads and highways—Approved, January 31, 1824, be and the same is hereby repealed.

SEC. 5. The supervisors aforesaid, shall receive fifty cents per day for each day they shall be necessarily employed in notifying the persons liable to work on roads, to be paid out of the county treasury.

SEC. 6. All acts and parts of acts coming within the purview of this act, be and the same are hereby repealed so far as the same relates to the counties herein named: *Provided*, That all persons living in the district embracing so much of the state road from Madison to Indianapolis, as lies between Clifty and the Jennings county line, shall be compelled to work on such part of said road, three days in each year and no more.

#### CHAPTER LXXXV.

An Act to amend the act concerning Salt Springs in Orange County—Approved, January 26, 1826.

[APPROVED—JANUARY 19, 1827.]

*Be it enacted by the General Assembly of the State of Indiana*, That Thomas Coffin of Orange county be, and he is hereby appointed to fill the vacancy occasioned by the decease of Thomas F. Chapman, whose duty it shall be to carry into effect all the provisions of the act to which this is an amendment; and in case any vacancy should hereafter happen by death, resignation or refusal to serve, it shall be the duty of the circuit court of said county, to appoint some fit person to fill said vacancy; the auditor of public accounts shall audit, and the treasurer of state pay the draft of the

Thomas Coffin appointed com.



said Coffin or his successor, in the same manner they were bound to pay the draft of the said Thomas F. Chapman, in the act to which this is an amendment.

This act to take effect and be in force from and after its passage.

#### CHAPTER LXXXVI.

An Act for the benefit of persons leasing the School Section in township twenty-one of range seven west, in the year 1825.

(APPROVED—JANUARY 14, 1827.)

WHEREAS, It has been represented to the General Assembly, that doubts are entertained of the legality of the act of justices of the peace of the county of Montgomery, in appointing an agent in Wabash county, since Fountain county: And whereas, Evan Hinton was appointed in the manner above named, and did lease to several persons under that authority, by which illegality much inconvenience may be experienced: For remedy whereof,

*Be it enacted by the General Assembly of the State of Indiana,* That all leases given by said Evan Hinton, superintendent aforesaid, of the school section in township twenty-one, of range seven west, shall be considered as valid to all intents and purposes as though the said Evan Hinton, superintendent, had been properly authorized by law.

This act to take effect and be in force from and after its passage.

#### CHAPTER LXXXVII.

An Act legalizing the proceedings of the School Trustees in Congressional township No. 9, in range No. 2 west, also Congressional township No. 12, in range No. 13 east, in Franklin county.

[APPROVED—JANUARY 26, 1827.]

WHEREAS, It has been represented to this General Assembly, that James S. Coalscott, Andrew Reed, and Amos Church, trustees of the school section of land, in township No. 9, in range No. 2 west; and that James Webb, Jacob Blackledge, and Joseph Price, trustees of the school section of land in township No. 12, in range No. 13 east, after having been duly appointed trustees as aforesaid, agreeably to the provisions of an act incorporating congressional townships, and providing for public schools therein—Approved, January 31, 1824, did in the month of April, 1825, by virtue of their offices as trustees aforesaid, lease out for ninety-nine years, the school

sections of land aforesaid to different persons, agreeably to the provisions of said recited act, not knowing that that part of said recited act under which they executed the lease or leases was repealed or changed: For remedy whereof,

*Be it enacted by the General Assembly of the State of Indiana,* That the proceedings of the aforesaid trustees, so far as they may relate to the leasing of the aforesaid school sections of land, be and they are hereby legalized and declared to be as legal in law and equity, as though the act authorizing trustees of congressional townships to lease out said school lands for ninety-nine years, had never been repealed or changed.

This act to take effect and be in force from and after its passage.

#### CHAPTER LXXXVIII.

An Act to amend an act, entitled "An act for the appointment of Trustees to receive deeds for lots or lands given or purchased for the use of Schools, Meeting-Houses, or Masonic Lodges"—Approved, January 7, 1824.

[APPROVED—JANUARY 16, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That in addition to the powers and privileges granted to congregations, religious societies, and masonic lodges, by the act to which this is an amendment; it shall and may be lawful for such congregations, religious societies, and masonic lodges, within five years after any board of trustees elected as therein directed, shall have been dissolved by death, resignation or removal of its members, for a majority of those persons interested to proceed, as directed by said act, to elect a new board of trustees: *Provided,* however, That it shall be lawful for any religious society, with the consent of a majority of its members, to select or appoint trustees according to the common usage or custom of said society; and the names of the trustees so appointed, shall be certified to the recorder of the county in the same manner as if an election for trustees had taken place.

SEC. 2. That the new board of trustees elected as aforesaid, and also any board of trustees appointed by any religious society as provided for by the first section of this act, shall be vested with the same powers, and do and perform all acts and things which by the act aforesaid, trustees could legally do and perform.

SEC. 3. That it shall be the duty of trustees elected or appointed under the provisions of this act, or of the act to which this is an amendment, within ten days after their

Proceedings  
legalized.

Privileges of  
congregations  
&c. extended.

Provido.



Trustees to produce a certificate of election within ten days.

election or appointment, to produce to the recorder of the proper county, a certificate of their election or appointment as the case may be, and such recorder shall forthwith record the same in the county records of his county.

This act to take effect and be in force from and after its publication.

## CHAPTER LXXXIX.

An Act supplemental to an act, entitled "An act for the appointment of Trustees to receive deeds for lots or lands given or purchased for the use of Schools, Meeting-Houses or Masonic Lodges"—Approved, January 7, 1824.

[APPROVED—JANUARY 25, 1827.]

Majority of persons attending meeting of religious society may elect trustees.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That a majority of those who attend at any annual meeting of any congregation, church, or religious society, after ten days public notice given, either at the usual time and place of public worship, by advertisements set up in three public places near thereto, or notice in some newspaper in the vicinity, may proceed to elect the trustees named in the act to which this is an amendment, and may make such rules and regulations for future elections and for conducting business as they shall deem expedient, provided they be not inconsistent with the laws and constitution of this state or of the United States.

Powers of trustees of religious societies extended.

SEC. 2. The trustees or other officers of any congregation, church, or religious society, chosen according to the provisions of this act, the act to which this is an amendment, or the rules which are or may be established by such congregation, church, or religious society, shall after such election has been recorded in the recorder's office of the county in which it is situated, have power with their successors in office, to hold personal property to the same amount as by the act to which this is an amendment, is allowed to the grand lodge of Indiana, and to each of the masonic lodges subordinate to said grand lodge; and may hold and convey real estate to the amount of one hundred and sixty acres of land, in the same manner as is by said act allowed to said masonic lodges to hold and convey real estate; and may apply their funds to the maintenance of religious worship, graveyards, schools, and libraries, and to the erection of all buildings, and providing all conveniences requisite thereto; and by the proper name of such congregation, church, or religious society, may appear in all courts to prosecute or defend the rights hereby granted, or which have been granted by the act to which this is an amendment.

This act to be in force from and after its publication in the Indiana Journal.

## CHAPTER XC.

An Act providing for the relocation of the Seat of Justice in the county of Dearborn.

[APPROVED—JANUARY 26, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Benjamin Ferguson of Clarke county, John Thompson of Rush county, Moody Parke of Jefferson county, Thomas Hendricks of Decatur county, and David Hoover of Wayne county, are hereby appointed commissioners to relocate the seat of justice in the county of Dearborn, any three of whom shall be a quorum to transact business, and who shall meet at the house of Jesse Hunt, in the town of Lawrenceburgh, in said county, on the fourth Monday of March next, or at such other time as a majority of them may agree upon, and have power to adjourn from time to time as they may deem necessary. The commissioners after being duly sworn, faithfully to discharge the duties assigned them, which oath may be administered by any person authorized to administer oaths, shall proceed to locate said seat of justice, for said county, as near the centre thereof, as the situation of the land and the interest of the county will admit, having due regard to the present and probable future population thereof: *Provided*, said commissioners shall have the right to view every other site equally near the geographical centre with Lawrenceburgh, the centre inclusive, and fix on the site most eligible, within said bounds; and if the commissioners cannot select a site more convenient for the county, the seat shall be and remain at the town of Lawrenceburgh.

SEC. 2. That the said commissioners shall be and they are hereby authorized to receive all donations in land, for the site of said seat of justice, and all donations which may be made to defray the expense for erecting the necessary public buildings for the use of said county, and take all necessary bonds and deeds to secure the faithful performance of such contracts.

SEC. 3. The said commissioners shall, after they have selected the site for said seat of justice, certify the same to the recorder of the county, who shall make a proper record thereof, and also deposit with the recorder, all deeds, bonds, or other instruments in writing, which they may have received for the use of said county.

SEC. 4. That the board of supervisors for the county of Dearborn, shall at their first meeting, next after the seat of justice shall have been located and fixed in manner afore-

Com'rs appointed.

Place & time of meeting.

Shall take an oath.

Their duties.

Com'rs authorized to receive donations.

Com'rs to certify to recorder the site selected, &c.



Board of supervisors to appoint commissioners to superintend public buildings.

said, appoint three suitable persons, residents and freeholders of said county, as commissioners to superintend the erection of such public buildings for the use of said county, as said supervisors may designate and direct; which said last mentioned commissioners shall severally give bond and security, in the sum of five thousand dollars, to the treasurer of said county, conditioned for the faithful discharge of their respective duties; which bonds shall be made payable to the said county treasurer, for the use of said county; and said treasurer is hereby made the judge of such securities; and the said last mentioned commissioners shall have power to receive any donations which may be made for the use of said county, and the same to sue for and collect in their own names, for the use of said county, for the purposes aforesaid.

Commrs how compensated.

SEC. 5. The commissioners appointed in the first section of this act, shall receive the same compensation and be paid in the same manner as is provided in an act, entitled "An act to establish seats of justice in new counties"—Approved, January 14, 1824; and the said last mentioned commissioners shall receive such compensation as the board of county supervisors may allow, to be paid out of the treasury of said county.

SEC. 6. So soon as the public buildings shall be completed in the manner aforesaid, at the place so designated, the same shall be forever thereafter the permanent seat of justice of said county of Dearborn; and all the courts of said county shall thereafter be holden at such new site, and until the completion of such buildings, the circuit courts and all other courts shall be holden at the town of Lawrenceburgh, in said county.

This act shall take effect and be in force from and after its passage.

## CHAPTER XCI.

An Act for the relocation of the Seat of Justice of the county of Madison, and for the formation of the county of Hancock.

[APPROVED—JANUARY 26, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That William Shannon, Jeremiab K. Lemon and William C. Blackmore of Hamilton county, Moses Prewitt of Shelby county, and John Thompson of Marion county, be and they are hereby appointed commissioners, to relocate the seat of justice of Madison county. The commissioners above named shall meet at the house of John Perry, in said county, on the third Monday in May next, and proceed to locate the seat of justice of said county a-

Commissioners.

Place & time of meeting.

greeably to the provisions of an act entitled "An act to establish seats of justice in new counties"—Approved, January 14, 1824, and the act amendatory of the same, approved, December 19, 1825.

SEC. 2. Hereafter the county of Madison shall be bounded as follows, to wit: Beginning on the line dividing the counties of Henry and Madison, one mile south of where the line dividing townships seventeen and eighteen crosses the same; thence north with said county line, to the line dividing townships twenty-two and twenty-three; thence west to the Miami reservation; thence south with the line of said reservation to the south east corner of the same; thence west until a line running south will strike the north east corner of Hamilton county; thence south with said county line to one mile south of the line dividing townships seventeen and eighteen; thence east to the place of beginning.

Boundary.

SEC. 3. The circuit and all other courts in the county of Madison, shall be held at the house of Thomas M'Cartney, until suitable accommodations can be had at the seat of justice of said county.

Present place of holding Courts.

SEC. 4. All the territory lying one mile south of the line dividing township seventeen and eighteen, and within the former bounds of Madison county, shall be, and the same is hereby organized and formed into the county of Hancock, and shall enjoy all the rights, privileges and immunities, that to separate and independent counties do or may properly belong.

Formation of Hancock co. and its boundaries.

SEC. 5. The circuit and all other courts shall be held at the house of Harry Pierson in said county of Hancock, until otherwise provided for by law; but nothing in this act shall be so construed as to prevent the circuit courts from adjourning to any other more convenient place in said county.

SEC. 6. All suits, pleas, complaints, actions and prosecutions, now pending, shall be carried into final judgment in the same manner as if no change had taken place in said county of Madison.

Pleas &c. to be prosecuted.

SEC. 7. The said county of Hancock shall be, and is hereby attached to the county of Madison for all civil, judicial, and other purposes whatsoever, until the county seat of said county of Hancock shall be located, and convenient public buildings therein erected.

Attached to Madison co. for judicial purposes.

SEC. 8. The fourth section of an act, entitled "An act appointing commissioners to relocate the seat of justice of Madison county"—Approved, January 13, 1826, is hereby repealed.

This act to take effect and be in force from and after its passage.



## CHAPTER XCII.

An Act appointing commissioners to relocate the seat justice of Crawford county.

[APPROVED—JANUARY 9, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Henry M'Gee, of Orange county, John C. MPheeters, and Robert M'Intire, of Washington county, George Boon, of Harrison county, and David Burr, of Jackson county, be and they are hereby appointed commissioners to relocate the seat of justice of Crawford county; who or a majority of them, shall meet in the town of Fredonia, in said county, on the first Monday in March next, or if a majority of them should not meet on that day, then on any other day which a majority of them shall agree upon, and after being duly sworn, shall proceed to examine said county as well its local situation as extent of territory, and fix the seat of justice as near central as a convenient place can be found, where good water can be had; the said commissioners shall receive the same pay, and be governed in all respects by a law fixing seats of justices in all new counties hereafter to be laid off—Approved, the 14th day of January, 1824, and the amendments thereto now in force, except as above excepted.

SEC. 2. The county shall pay back to all persons, their heirs, or legal representatives, any amount of money which said county may have received for any lot which said county may have sold in or near Fredonia, together with legal interest thereon, from the time the county shall have received the same, and such persons or their legal representatives shall have no further claim on the county.

SEC. 3. As soon as the board of justices of said county are satisfied, that a court-house has been provided sufficient to accommodate the court, they shall direct the clerk of the circuit court and recorder, forthwith to remove their offices to such new town; and from that time, the circuit court and all other courts of said county shall be holden there; and the seat of justice of said county shall thereafter remain at said new site: *Provided, however*, That it shall not be lawful for said commissioners to remove the seat of justice of said county, unless they can find an eligible site within one mile and a half of the geographical centre of said county, where there will be within the bounds of the new seat of justice by them located, at least one good, lasting and sufficient spring of living water.

Sheriff to notify comm'rs.

SEC. 4. The sheriff of Crawford county shall notify the said commissioners of the time and place herein appointed for them to meet and proceed to the discharge of their duties as assigned by this act, for which he shall re-

Comm'rs appointed.

ceive such compensation as the board of justices of said county shall deem just and reasonable, to be paid out of the said county treasury.

## CHAPTER XCIII.

An Act supplemental to an act, entitled "An act to relocate the seat of justice of Crawford County."

[APPROVED—JANUARY 26, 1827.]

*Be it enacted by the General Assembly of the State of Indiana*, That the commissioners appointed by the act to which this is a supplement, shall after meeting at the town of Fredonia, and taking the necessary oath, proceed to examine the situation of said county, and if they should deem it inexpedient to relocate said seat of justice, they shall proceed no further in the relocation of the said seat of justice, and the seat of justice shall remain where it now is established: *Provided, however*, said commissioners shall be at liberty to fix it at the present site or in any other part of said county they may deem it expedient.

## CHAPTER XCIV.

An Act to establish county Seminaries in the several counties therein named.

[APPROVED—JANUARY 26, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the circuit court of the counties of Wayne, Franklin, Henry, Rush, Randolph, Allen, Vigo, Daviess, Martin, Madison, Hamilton and Sullivan, in term time, or the associate judges of said counties in vacation, to appoint three fit persons who shall constitute a board of trustees, to be known and designated by the name and style of the County Seminary Trustees, for the county of ——— as the case may be; which said trustees shall, before they enter upon the duties hereinafter assigned them, give bond and security, payable to the county treasurer for the use of the county seminary in the penal sum of five hundred dollars, and shall take an oath before some person authorized to administer oaths, for the faithful discharge of the duties assigned them as trustees of said county seminary.

Circuit court to appoint trustees.

SEC. 2. That it shall be the duty of said trustees, or a majority of them, after having given bond and security, and taken an oath as above provided, to proceed to procure by purchase or donation, a suitable site whereon to erect a county seminary edifice; and when the same is so pro-

Duty of trustees.



cured by donation or purchase, said trustees shall forthwith take a bond of the person or persons from whom the same may be procured, for the conveyance of the same in fee simple to the proper county for the use of a county seminary; which purchase or a donation with a plat of the same, together with the bond so taken as aforesaid, shall be laid before the next succeeding board of justices for their approval, and if the same should be approved by the board of justices, it shall be considered and deemed a bona fide contract, and shall thereafter be binding on both parties; and if the same shall have been procured by purchase, it shall be the duty of the board of justices to draw on the seminary trustee for the amount of the purchase money, who is authorized to pay the same out of any seminary monies in his hands.

Duty of board of justices.

SEC. 3. It shall be the duty of the boards of justices, whenever the county seminary fund within their county shall amount to six hundred dollars, to notify the trustees of the same, whose duty it shall be, upon the receipt of such notice, to proceed to contract for the building of a county seminary edifice on the site procured for that purpose, by giving at least thirty days notice of the time and place when the same will be let to the lowest bidder.

Trustees to take bond.

SEC. 4. It shall be the duty of the said trustees to take bond and security of the contractors in a sufficient penalty to cover all damages that may accrue, on a failure to comply with the contract or contracts herein authorized to be made; which said contract together with the bond or bonds so taken shall be certified by the said trustees to the board of justices, and shall be entered at full length on the records of said board.

SEC. 5. It shall be the duty of the board of justices to draw upon the seminary trustee in favor of the contractors in such way and manner, and for all such sums of money as may be certified by the seminary trustees to said board.

SEC. 6. It shall be the duty of the trustees aforesaid, to inspect the said building from time to time as it may progress, and to examine the materials of which the same is to be constructed, and when it may be completed by the contractors to receive the same; which said edifice, when so completed and received, shall be open and free for the use of public schools under the direction and superintendence of the seminary trustees of the different counties respectively.

Trustees to keep a record.

SEC. 7. The said trustees shall keep a record of their proceedings subject to the inspection, and under the direction of the board of justices of their proper county.

SEC. 8. The circuit courts in term time, on complaint made by any of the citizens of the several counties herein

named, shall have power to remove such trustees for any good cause to them make known.

SEC. 9. The seminary heretofore established in the county of Union, shall remain permanent after the taking effect of this act; the trustees of said seminary shall be appointed under the provisions of this act, and all power and authority which may now be vested in any managers of said seminary elected or appointed under the provisions of any other act, shall be and the same is hereby revoked from and after the time the trustees appointed in pursuance of this act, shall come into office; and thereafter the said seminary shall be governed by the provisions of this act, as though the same had been first established under the provisions hereof, and the managers elected or appointed under the provisions of any other act, are hereby authorized and required to deliver over to the trustees appointed under the provisions of this act, all books, monies, papers, and effects, which remain in their hands as managers of the said seminary, and all acts heretofore done under, and pursuant to the provisions of any other act by the present managers, are hereby declared legal and valid to all intents and purposes.

## CHAPTER XCV.

An Act incorporating the Washington county Seminary.

(APPROVED—JANUARY 24, 1827.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the circuit court of Washington county, at their first term after the passage of this act, to appoint five discreet citizens of said county, trustees of the Washington county seminary, who and whose successors by the name aforesaid, shall be a body corporate and politic, and shall possess all the powers, privileges and immunities, belonging to the trustees appointed by virtue of an act, entitled "An act incorporating a seminary in the county of Gibson, and for other purposes"—Approved, January 21, 1826.

SEC. 2. Before the trustees herein as above appointed, shall be authorized to act, they shall execute a bond payable to the state of Indiana, for the use of said seminary, in the penalty of five thousand dollars, with security to the satisfaction of said circuit court, conditioned for the faithful discharge of their duties as trustees, and for accounting for and correctly disbursing all moneys that may come into their hands; which bond shall be filed in the office of the clerk of the circuit court of said county; and for any



breach of the conditions thereof, the same shall be prosecuted as other penal bonds.

SEC. 3. The office of the agent or trustee of the county seminary, or seminary funds of the said county of Washington, is hereby abolished; and the trustees appointed by virtue of this act, are appointed their successors, and are authorized to demand, receive, sue for and recover of any former agent, trustee, officer, or citizen, any and all moneys in their hands, belonging to, or accruing to said seminary.

This act to take effect and be in force from and after its passage.

## CHAPTER XCVI.

An Act to incorporate the County Seminary of Harrison county.

[APPROVED—JANUARY 19, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Thomas Posey, Peter Kintner, Armstrong Brandon, Daniel C. Lane and David G. Mitchell, be, and are hereby appointed trustees of the county seminary of Harrison county; and they and their successors are and shall be a body corporate and politic, with powers and liabilities similar to other corporations, and subject to the peculiar object of their organization, and to the limitations, restrictions and directions of the General Assembly, as from time to time may be enacted.

SEC. 2. That said corporation shall be entitled "The trustees of the Harrison county seminary," a majority of whom shall form a quorum; and when vacancies occur from death or otherwise, the remaining trustees shall have power to fill such vacancies; and said trustees shall be vested with all the rights, title and interest, of, in and to the moneys, funds, rights, credits and effects of the seminary fund in said county, and shall have right to purchase and hold real and personal estate, for the use of a seminary of learning therein; to do all acts necessary and proper for the beneficial exercise of the duties of their office, and to appoint a clerk, treasurer, and other officers, being responsible for their conduct.

SEC. 3. That the trustee of the county seminary of said county, shall deliver over to said trustees, or their order, all books, papers, bonds, bills, notes, moneys and effects, belonging to his said trust; and said corporation shall be the successors of said trustee, in his powers and duties, and entitled to the rights, credits and effects, belonging to his trust aforesaid.

SEC. 4. That each of said trustees, before entering up-

on the duties of his office, shall file a bond with the clerk of the circuit court, with security to be approved of by said clerk, in the penalty of one thousand dollars, payable to the state of Indiana, and conditioned for the faithful performance of the duties of his office.

SEC. 5. That the duties and obligations, imposed rights created, and remedies provided by the fifteenth, sixteenth and seventeenth sections of the act, entitled "An act relating to county seminaries"—Approved, January 31, 1824, be and are hereby declared to belong to, and shall be binding on said corporation; and that nothing contained in this act shall prevent the qualified electors of Harrison county from creating a corporation under the act aforesaid; and whenever such incorporation shall be effected under said act, the said corporation shall be substituted in the stead of the corporation hereby created.

## CHAPTER XCVII.

An Act respecting the Knox county Seminary.

[APPROVED—JANUARY 23, 1827.]

*Be it enacted by the General Assembly of the State of Indiana*, That the circuit court of Knox county, be and they are hereby authorized to appoint seven trustees for the Knox county seminary, and to supply vacancies that may happen by death, or otherwise; the said trustees or a majority thereof, shall constitute a board for the transaction of business, and shall have the same powers and privileges, and be subject to the same regulations as trustees elected under the act relating to county seminaries, approved, January 31, 1824.

## CHAPTER XCVIII.

An Act to establish a County Seminary in the county of Fayette.

[APPROVED—JANUARY 27, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the qualified voters of said county of Fayette shall, at the General election on the first Monday in August next, and every three years thereafter, at the general election holden in said county, elect three suitable persons who are qualified electors, as trustees, who shall have the sole and exclusive management and control of all the seminary funds of and belonging to said county.

SEC. 2. That the said trustees and each of them, before they enter upon the duties of their office, shall file bond, with the security to be approved of by the clerk of Fay-

Incorporation  
of Fayette co.  
seminary.



ette circuit court, in the penalty of one thousand dollars, payable to the state of Indiana, and be sworn into office; the said bond conditioned that they and each of them, will well and truly discharge the duties of their office as such trustees; and so soon as a majority of said trustees so elected as aforesaid, shall have given bond and been sworn into office, the trustees so elected in manner and form aforesaid, and their successors in office, shall be and are hereby created a body corporate and politic, with perpetual succession, by the name and style of the trustees of the Fayette County Seminary, and shall in such corporate capacity, be able and capable in law, to sue and be sued, plead and be impleaded, and answer and be answered unto, defend and be defended in any court of justice within this state, without setting forth their individual names.

Mode of filling vacancies.

SEC. 3. That hereafter when any vacancy shall happen in the office of trustee, in said county, by death, resignation or otherwise, (except when the term of service of such trustee or trustees has expired) it shall be the duty of the board of justices doing county business, to appoint some suitable person to fill such vacancy, who before they [he] enter upon the duties of his office, shall give bond and be sworn, in the same manner that other trustees are bound to do.

Powers of trustees.

SEC. 4. The said trustees or a majority of them shall have full right and lawful authority, in the name of the corporation, to purchase and hold real and personal estate, for the use of said county seminary, and may ask, demand and receive, sue for and recover, in their corporate name, all moneys and other valuable things in the hands of, due, or arising from any civil officer or person whatever, and by them collected or due to the seminary fund of said county, and may use all compulsory process for the benefit and safety of said institution.

Further powers.

SEC. 5. The said trustees or a majority of them shall have power to purchase or receive by donation, a suitable site whereon to locate the buildings of said county seminary, and when they, or a majority of them have located and fixed upon a suitable site, they shall describe the same by metes and bounds, and return the same to the recorder's office of said county, and cause the same to be then and there recorded; and shall have power to receive all donations which may be made for the benefit of said corporation, and may require each donor to give security for the payment thereof, payable to said trustees and their successors in office.

Mode of erecting building.

SEC. 6. That when the site for said county seminary shall have been established, it shall be the duty of the said trustees to draft a plan for said seminary and lay the same before the board of justices at their first meeting thereafter, and if the said plan with the cost thereof be approved

af by the board doing county business, the said trustees shall proceed to the erection of a permanent building for said seminary of learning in said county, on the site so fixed on as aforesaid, by letting the same out at public outcry to the lowest and best bidder; and when the same shall be completed and fit for occupation, the same shall ever thereafter be a common seminary of learning, and equally free and open to all the citizens of said county for the purposes of education.

SEC. 7. The said trustees shall from time to time, and at least once in each year, make a report of all the proceedings including the distributions of such funds as may come into their hands for the purposes aforesaid, to the board of justices doing county business in said county; and it is hereby made the duty of the clerk of the board of justices in said county, to enter the said reports and orders in a book to be kept for that purpose by said clerk, and charge said trustees with all moneys by them drawn, and give them credit for all moneys by them expended for the benefit and in the erection of said seminary.

Mode of electing officers.

SEC. 8. That all the elections made under the provisions of this act, shall be governed in all respects by the laws now in force regulating general elections; and the said trustees so elected as aforesaid, at any of their meetings after the taking effect of this act, shall have power to appoint a clerk from their own body or otherwise, whose duty it shall be after being sworn into office, to make all entries in a book to be kept for that purpose, of all the orders and proceedings of the said board of trustees.

SEC. 9. The seminary trustee now in office or that may hereafter be appointed in and for said county, shall be the treasurer for said board of trustees, whose duty it shall be to pay out all orders drawn on him by said board of trustees, and shall in all respects be governed by the laws now in force, in relation to the duties of the trustees for the seminary funds in the several counties of this state, and shall report quarterly to the said board of trustees the state of the funds in his hands; that the said trustees or a majority of them and their successors in office, shall have full power and lawful authority to ordain such ordinances and by-laws for the government of said seminary as they may deem just and expedient, the same not being inconsistent with the constitution and laws of this state; and after the said building is completed, shall have power to select and employ teachers, and determine rates of tuition, and do all other acts and things necessary to carry this act into full and complete effect according to the true intent and meaning thereof.



## CHAPTER XCIX.

An Act to provide for incorporating a county Seminary in the county of Clark.

[APPROVED—JANUARY 26, 1827.]

Trustees how appointed.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of justices or court doing county business, in the county of Clark, be and they are hereby authorized whenever they may deem it expedient, to appoint three good and lawful men resident in said county, and not members of their body, trustees of the Clark county seminary, whose duty it shall be to give bond and security in such sum as said board of justices or court doing county business may direct and approve, made payable to the treasurer of the county of Clark, and conditioned for the faithful performance of their duty as trustees of the Clark county seminary, and shall take an oath or affirmation that they will well and truly discharge the duties assigned them as trustees, for the term of one year, and until their successors are appointed and qualified.

Powers of corporation.

SEC. 2. Whenever the trustees so appointed shall have given bond and qualified themselves by the oath or affirmation as prescribed in the first section of this act, they shall be and are hereby declared and created a body corporate and politic, by the name and style of "The Board of Trustees of the Clark county Seminary;" and by the same name shall be able and capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in any court of justice whatever; they shall in law be capable of purchasing, holding and conveying any estate, either real or personal, for the use of said seminary; they shall also be empowered to receive subscriptions, gifts, grants, donations and bequests; which subscriptions, gifts, grants, donations and bequests, shall be appropriated to the sole use and benefit of said seminary, in such manner as the board of trustees shall deem most profitable or expedient.

Further powers.

SEC. 3. The board of trustees, or a majority of them, shall have full power from time to time, to make such by-laws, ordinances and regulations, not inconsistent with this charter, the laws of this state, or of the United States, as to them shall appear necessary for the good government of said seminary and the students thereof; and the same to put in execution, revoke, alter and make anew, as to them shall appear necessary, and for the purpose of purchasing a suitable site, and erecting thereon a good, convenient and suitable building or buildings for the use and benefit of said seminary, and keeping the same in good repair, and generally for providing whatever to them may be considered necessary and proper for such seminary.

SEC. 4. The board of trustees shall have power to ap-

point such subordinate officers as they may judge necessary for the good government of the seminary, and to require such sureties, and annex such fees to the several officers of the corporation, and to impose such fines for neglect of duty or misconduct in office as to them shall appear proper.

SEC. 5. The board of trustees may meet when and as often as they may think proper, not less however, than twice in each year; and a majority of said board shall constitute a quorum for the transaction of business.

SEC. 6. The board of trustees shall be authorized to demand and receive of the present trustee of the seminary fund of said county, all moneys and notes belonging to the seminary fund in his hands, to be appropriated as contemplated by this act; but no contract made, or note given to, or by the present trustee, shall be disannulled, or made void by the trustees aforesaid; they shall also have power to demand and receive from the treasurer of state an equal proportion of all moneys paid into his office, by persons conscientiously scrupulous of bearing arms, and to which the county of Clark is entitled, and their receipts to him shall be a sufficient voucher for the same.

Further powers.

SEC. 7. It shall be the duty of the board of justices, or court doing county business for Clark county, annually to appoint three trustees in manner and form as mentioned in the first section of this act; and should any of said trustees appointed as aforesaid, die, remove out of the county, or refuse to serve, it shall be the duty of the board of justices, or court doing county business, to appoint some suitable person to supply such vacancy, who, after giving bond and being qualified as mentioned in the first section of this act, shall proceed to discharge the duties assigned him by this act.

Vacancies how filled.

SEC. 8. It shall be the duty of the trustees aforesaid to make a detailed report of the disbursement of such funds as may come into their hands annually, to the board of justices or court doing county business; which report shall be recorded in the records of said board or court; and all bonds taken in pursuance of this act, shall be prosecuted for the benefit of the county seminary of the county of Clark.

Trustees to report annually.

## CHAPTER C.

An Act concerning the Seminary Townships of land in Gibson and Monroe Counties.

(APPROVED—JANUARY 25, 1827.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Smith of Gibson county be, and he is hereby appointed commissioner on behalf of this state, and authorized to sell the reserved townships of Seminary

Comm'rs. appointed to sell the land.



lands in Gibson county; and that James Borland of Monroe county be, and he is hereby appointed commissioner as aforesaid, and authorized to make sale of the reserved township of Seminary lands in Monroe county, in manner and form as hereinafter directed.

Qualifications  
required.

SEC. 2. That before entering upon the duties enjoined by this act, the commissioners aforesaid shall severally be sworn by some authorized person, faithfully to perform their duty as herein required, and moreover give bond with approved sureties in the penalty of fifty thousand dollars each, payable to the state of Indiana, and to be approved of by the Governor, and conditioned for the faithful performance of the duties of the office aforesaid; which bond shall be filed in the office of the auditor of public accounts, and shall from its date, be a lien on the lands and tenements of the obligors.

Their duties.

SEC. 3. That said commissioners shall severally proceed to divide the lands in the several townships by half quarter sections, from north to south, into first, second and third rate, and severally shall make out and deposite a map or plat thereof, with the recorders of Gibson and Monroe counties severally, who shall forward transcripts thereof to the treasurer of state: And it is hereby enacted, that the minimum price of the said first rate land shall be three dollars and fifty cents, of the second rate land two dollars and twenty-five cents, and of the third rate land, one dollar and twenty-five cents per acre; and no sale of any of said lands shall be for a less sum than the minimum price aforesaid.

Minimum  
price of land.

Time of sale.

Notice to be  
given.

SEC. 4. That the said commissioner of the Gibson reserved township, shall proceed on the first Monday of September next, to sell the lands in his township; and the said commissioner of the Monroe reserved township, shall proceed to sell the lands in his township on the first Monday of October next; of which sales notice shall be given by the treasurer of this state, in the newspapers published at the seat of government, and such other places as he may deem advisable, for a reasonable time prior thereto; which sales shall severally continue not exceeding two weeks.

Manner and  
terms of sale.

SEC. 5. That the said lands shall be sold at public auction, in half quarter sections, and one fourth of the purchase money shall be paid at the time of sale, and the balance due to remain on interest, at the option of the purchaser, his heirs and assigns, for ten years, and thereafter at the option of the state commissioners for that purpose, under the direction of the General Assembly: *Provided*, That the interest shall be punctually paid in advance, at the commencement of each year, and a failure to pay the interest of two years successively, for ninety days after the second years interest becomes due, shall forfeit to the state, for the use of said seminary, the tract of land on which such interest

In what case  
lands are for-  
feited.

may be due, also the benefit of the contract by which it is held, and the state shall forthwith have right to hold and possess such lands; and all purchasers, their heirs or assigns, after a failure to pay the first interest due in advance as aforesaid, shall from thenceforth be considered as tenants at will only; and if he, she or they shall after that time, commit any unnecessary waste upon the premises occupied, and upon which the interest has not been paid as aforesaid, it shall be the duty of the commissioner of the proper township, to commence in his own name, for the use of the seminary fund, an action of trespass before some justice of the peace in the county where the land lies; on the trial of which a jury may be summoned, and if the jury return a verdict of guilty, the justice shall render a judgment thereon, which verdict and judgment shall justify and authorize the said commissioner to take immediate possession of the tract of land in question, by calling to his assistance, if necessary, a posse comitatus of his county; and from that time the state shall of right hold and possess such land. And whenever full payment shall be made for any tract of land sold as aforesaid, the purchaser, his heirs and assigns, shall be entitled to a patent therefor from the state of Indiana, under the seal thereof, signed by the Governor, and countersigned by the Treasurer of state.

Duty of town-  
ship officers.

SEC. 6. That the commissioners aforesaid shall severally receive the moneys arising from the sales of land in their respective townships, and shall give to purchasers certificates specifying the amount by them paid, the tract of land purchased and the balance due thereon; which certificates shall be presented to the recorder of the county in which such township is situate; and it is hereby made the duty of said recorder to record such certificate at full length in a book to be by him kept for that purpose, and afterwards to return such certificate to the proper owner; and whenever other payments may be made the said commissioner shall receipt therefor, and such receipt shall be presented as aforesaid to the proper recorder, who shall record the same as herein before directed, and also endorse the amount so paid on the back of the original certificate; and when final payment shall be made, a final certificate shall be given by the said recorder to the purchaser, his heirs or assigns; and on presentation thereof, and filing the same with the treasurer of state, the purchaser, his heirs or assigns, shall be entitled to receive a patent as aforesaid.

Duty of re-  
corder.

SEC. 7. That the said commissioners and recorders shall severally keep proper books of accounts, and shall make quarterly reports to the treasurer of state of their transactions under this act; and it is hereby made the duty of said



Additional  
duties of  
comm'rs and  
recorders.

Comm'rs to  
pay over to  
the treasurer  
all monies re-  
ceived.

Duty of treas-  
urer of state.

reservations.

Further duties  
of treasurer.

Further duty  
of treasurer.

Proviso.

Duties of  
county com-  
missioners.

Comm'rs &  
recorders how  
compensated

treasurer, to devise the forms of receipts and certificates, and direct the mode of keeping accounts and making quarterly reports as aforesaid, previous to the day of sale.

SEC. 8. That it shall be the duty of said commissioners to pay over to the state treasurer, or his order, all moneys which may come into their hands from the sale of the lands aforesaid, at such times as may be directed by said treasurer, and to take his receipt therefor.

SEC. 9. That the treasurer of state shall, under the direction of the General Assembly, direct a public sale of all tracts of land authorized by this act to be sold, and which may remain unsold at the sales herein provided for, in like form and upon like conditions as heretofore prescribed.

SEC. 10. That three sections of the seminary lands in Monroe county, viz: one on the east, one on the south, and one on the west, the most contiguous to the section heretofore sold, and on which the state seminary buildings are now erected, shall be and the same are hereby reserved from sale.

SEC. 11. That the treasurer of state shall keep an account current with the state seminary, of and concerning the monied transactions provided for by this act, and with the commissioners aforesaid; and the said treasurer shall be subject, in relation to the trust, duties and liabilities by this act created, to the provisions of the revenue laws of this state so far as they are applicable.

SEC. 12. That it shall be the duty of the treasurer of state to pay quarter yearly, to the president of the board of trustees of the state seminary, who may reside in Monroe county, or to the order of said president signed by himself and countersigned by the secretary of said board, any interest of money in his hands that may heretofore have accrued, or that may hereafter accrue from the sales of the seminary townships aforesaid: *Provided however,* That the treasurer shall in no case pay over as aforesaid, any greater sum than shall be allowed yearly, as a salary to the teacher or teachers of the state seminary, by the trustees authorized by law to make such allowances.

SEC. 13. That it shall be the duty of the commissioners of Gibson and Monroe counties, severally to give yearly leases on any improved unsold land within their respective townships, for the greatest sum they can obtain, and the moneys arising from such leases when collected, shall be paid over by said commissioners to the state treasurer, as herein before directed.

SEC. 14. That the said commissioners shall severally receive two per centum upon all moneys by them paid over to the state treasurer as aforesaid, in full for all services required by this act; and the recorders of Gibson and Mon-

roe counties, for their services, shall severally receive such compensation as may hereafter be allowed by law.

SEC. 15. If the appointment of both, or either of said commissioners, shall become vacated by death, removal, or resignation, the Governor shall fill such vacancy until an election shall be made by a subsequent legislature, who shall give the same bond and security, and be subject to the same liabilities as the commissioners appointed under this act are or may be.

SEC. 16. That all laws and parts of laws heretofore in force, on the subject of leasing said reserved townships of land, be and the same are hereby repealed.

## CHAPTER CI.

An Act appointing a Board of Visitors to the State Seminary at Bloomington, and for advancing the interests of said institution

[APPROVED—JANUARY 26, 1827.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Governor and Lieutenant Governor, for the time being, the judges of the Supreme Court of this state, the judge of the District Court of the United States, for the district of Indiana, the District Attorney of said district, Moses Tabbs, John E. Hubbs, Samuel Hall, Samuel Gwathney, Jeremiah Rowland, Reuben W. Nelson, Jeremiah Sullivan, Samuel Merrill, John Test, William B. Laughlin, William McClure, William S. Cornett, Beaumont Parkes, Henry Way, Jeremiah Cash, Samuel Scott and George H. Dunn, be, and they are hereby appointed a board of visitors to the state seminary at Bloomington; to continue as such for three years from the date of this act, and until successors are appointed, who, or any five of whom are authorized and requested to act as visitors aforesaid in the manner hereinafter specified.

SEC. 2. The board of visitors aforesaid are hereby authorized semi-annually, on the Thursdays preceding the session of the supreme court at Indianapolis, to assemble in the town of Bloomington, and proceed to visit and inspect the seminary aforesaid; whenever any five of the above named visitors shall convene in pursuance of this act, they shall appoint from their number, a president and secretary of said board; the president so appointed shall, as soon as convenient, notify the president or some one of the trustees of said state seminary, of their attendance at said place, and readiness to proceed in visiting and inspecting the said seminary; whose duty it shall be forthwith to call a meeting of said trustees, who are hereby required to attend at the place of meeting of said board of visitors, with the records of the corporation, and submit the same to the



inspection and examination of said board of visitors, and also to give such verbal explanation of the past proceedings of said trustees as may be called for, or which the said trustees may deem necessary or proper. It shall further be the duty of said trustees, at the same time to exhibit in writing to said visitors, a detailed report of the finances of the seminary; the number of teachers and students belonging to said seminary; the various branches of science and literature taught; the course of tuition and discipline adopted; the by-laws and regulations enacted, as well for the teachers as the students, and the progress made by the students; noting particularly in said report, the names of those students who have distinguished themselves in any or all the branches of education, and also those who have been exemplary for their good conduct.

Further powers and duties.

SEC. 3. After the examination of the records aforesaid, together with the report of said trustees, which shall be retained and preserved by the said visitors, it shall be the duty of the said trustees to conduct the said visitors to the hall or building in which the students are assembled, for the purpose of personally inspecting their studies and progress; during which inspection, it shall be the duty of the principal and assistant teachers to call on the several students for such exhibition of their scholarship as may be in their power to give; and to invite the said board of visitors individually or collectively, to propound any question to the students, or to suggest any course of examination they may think proper; and at the close of said examination, the visitors aforesaid by their president or some member of the board, shall deliver such address to the students as to them shall seem proper.

Further powers and duties.

SEC. 4. The said board of visitors are hereby authorized to recommend the repeal of any by-laws, rules or regulations adopted by the trustees of the state seminary, which to them may seem inexpedient, improper, or contrary to the interests of the institution.

SEC. 5. It shall be the duty of the visitors to make an annual report of their proceedings to the General Assembly, which shall be addressed to the speaker of the house of representatives, and which shall contain the report of the trustees in the second section provided for, their own acts and opinions, and also any recommendations they may think proper to make, of such measures, within the competency of the legislature, as may tend to sustain, foster and improve the seminary aforesaid.

## CHAPTER CII.

An Act to vacate part of Evans's enlargement of the town of Princeton.

[APPROVED—JANUARY 26, 1827.]

Be it enacted by the General Assembly of the state of Indiana, That all that part of Evans's enlargement of the town of Princeton, lying north and west of the following line, be, and the same is hereby vacated to all intents and purposes whatever, to wit: Beginning at the north east corner of lot number six in said enlargement, running thence west to the north west corner of lot number seven; thence south to the south west corner of lot number eight; thence west to the south east corner of lot number seventeen; thence south to the north east corner of lot number sixteen; and thence west as far as said enlargement runs in that direction.

Part of the town of Princeton vacated.

## CHAPTER CIII.

An Act to encourage the killing of Wolves.

[APPROVED—JANUARY 27, 1827.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That every person who shall take and kill any wolf or wolves within this state, (prairie wolves excepted), and within eight miles of any of the settlements thereof, shall receive the following bounty, to wit: for each wolf, supposed to be six months old and upwards, one dollar; and for each wolf under six months old, fifty cents, to be paid out of the state Treasury on the certificate of the clerk of the circuit court in the county where such wolf was killed or taken; and the person claiming such reward, shall produce the scalp or scalps with the ears, within thirty days after such wolf or wolves as has or have been killed to the clerk of the circuit court within the county where such wolf was killed or taken, who shall administer to said person the following oath or affirmation, viz: "You, A. B. Shall take an oath.

Bounty for killing wolves.

Person claiming reward to produce scalp.

SEC. 2. The clerk before whom such oath or affirmation shall be taken, shall cause the ears on all such scalps to be destroyed in his presence, and shall give to the person making the same, a certificate specifying the number

Duty of clerk.



of scalps produced, and the sum to which such person is entitled with his name and place of residence.

SEC. 3. The clerks of the proper counties shall be entitled to the sum of twelve and a half cents for making out each and every certificate as above provided for, to be paid by the person applying for such certificate.

SEC. 4. The board of justices or persons doing county business in any of the counties in this state, shall allow to the holder of any such certificate an additional allowance not exceeding one dollar for a grown wolf, and fifty cents for each one under six months old, to be paid out of the county treasury, out of any monies therein not otherwise appropriated.

This act to take effect and be in force from and after the first day of May next.

## JOINT RESOLUTIONS.

### CHAPTER CIV.

A Joint Resolution respecting Blackford's Reports.

[APPROVED—JANUARY 26, 1827.]

*Resolved by the General Assembly of the state Indiana,* That the Treasurer of State of this state be, and he is hereby authorized and directed to subscribe for, and when ready for delivery, procure ninety copies of the Reports of Cases argued and decided in the Supreme Court of Indiana, from the organization of the state government, by ISAAC BLACKFORD; and when so procured to forward at the expense of the reporter, one copy to each of the clerks of the several circuit courts, and one copy to the clerk of the supreme court; which shall be by said clerks preserved in their respective offices, for the inspection and use of the courts and citizens of their proper counties; and the balance of the whole number, he, the said treasurer shall file in the secretary of state's office, and to be by him preserved therein, subject to the future disposition of the legislature.

*Resolved further,* That the sum of three hundred and sixty dollars be, and the same is hereby appropriated and set apart as a special fund, out of which the said treasurer shall pay for the said Reports.

### CHAPTER CV.

A Joint Resolution on the subject of certain public lands in the vicinity of Indianapolis.

*Resolved by the General Assembly of the State of Indiana,* That our senators in Congress be instructed and our Rep-

representatives requested to use their exertions to procure from the president of the United States, an order for the sale of the south west quarter of section five, and the south east quarter of section six, in township fifteen north, and range four east, and the south east quarter of section thirty-three, in township sixteen north, in range three east.

### CHAPTER CVI.

A Joint Resolution relative to the lands appropriated for the use of Salt Springs.

(APPROVED—)

*Resolved by the General Assembly of the State of Indiana,* That our Senators and Representatives in Congress be requested, if possible, to procure the consent of the United States for the State of Indiana to sell and convey in fee simple, in such manner as the Legislature may direct, all lands within said State, reserved for the use of Salt Springs, the proceeds to be held as a stock for the encouragement of common school education.

### CHAPTER CVII.

A Joint Resolution on the subject of the School Lands in the State of Indiana.

(APPROVED—JANUARY 25, 1827.)

*Resolved by the General Assembly of the State of Indiana,* That our senators in Congress be instructed and our representatives requested to use their best exertions to procure the passage of an act of Congress, extending to the Legislature of the state of Indiana, the same right and authority under similar restrictions to convey in fee simple all or any part of the lands heretofore reserved and appropriated by Congress for the use of schools within this state, as has been given to the Legislature of the state of Ohio by an act of Congress, entitled an act to authorize the Legislature of the state of Ohio to sell the lands heretofore appropriated for the use of schools in that state—Approved, February 1st 1826.

*Resolved,* That his Excellency the Governor, be requested to transmit to each of our Senators and representatives in Congress, a copy of the foregoing resolution as soon as practicable.



## CHAPTER CVIII.

Joint Resolutions of the General Assembly relative to purchasers of the public lands.

(APPROVED—JANUARY 25, 1827.)

*Resolved by the General Assembly of the State of Indiana,* That our senators in Congress be instructed and our representatives requested to use their best exertions to procure the passage of a law to extend the time of payment on all lands now forfeited or liable to forfeiture, and to authorize each and every purchaser whose lands are either forfeited or are liable to forfeiture, to redeem the same on making prompt payment therefor, at a price, the amount of which (including forfeited payments) shall not exceed the *minimum* price of Congress lands.

*Resolved, further,* That our senators and representatives aforesaid, be requested to procure, if possible, the passage of a law, giving to every purchaser and occupant of Congress lands, who has made one or more payments, and whose lands have been forfeited, or are liable to forfeiture, a privilege in the nature of a right of pre-emption for — years, to re-purchase the same, or other lands of equal value, at a sum which, added to his former payments, shall make the amount per acre not to exceed the *minimum* price of Congress lands, and that *in the interim*, and before government has disposed of the same, every purchaser who has improved his lands without completing the payments, shall have the privilege of occupying the same and enjoying the proceeds thereof.

*Resolved,* That his Excellency the Governor, be requested to transmit the foregoing resolutions to each of our senators and representatives in Congress.

## CHAPTER CIX.

A Joint Resolution relative to the State Library.

[APPROVED—JANUARY 27, 1827.]

SEC. 1. *Be it Resolved by the General Assembly of the State of Indiana,* That the faculty of the State Library be, and they are hereby authorized to subscribe for two copies of the journals of the first American Congress, about to be published by Messrs. Way and Gideon, of Washington City; two copies of the debates of the several states of the Union, on the adoption of the Federal constitution, to be published by Jonathan Elliott; and two copies of the reports of William Strickland, Esquire, agent of the Pennsylvania society for the promotion of internal improvement, and pay for the same out of the annual appropriation to said library.

SEC. 2. It shall be the duty of said Faculty to cause to

be bound in sheep, all the laws of other states which are unbound, and five copies of the laws of the United States, now in the library; also all the copies of the revised codes of the year eighteen hundred and twenty-four, and two complete sets of all the laws of the territory and of the state to the present year, and such other unbound books and pamphlets as they may think worthy of binding.

SEC. 3. Should the funds appropriated to said library be found insufficient for the purposes aforesaid, the said faculty are hereby authorized to draw upon the treasurer of state for the deficiency; which amount shall be audited and paid as other accounts are audited and paid.

## CHAPTER CX.

A Joint Resolution respecting the Revenue.

[APPROVED—JANUARY 26, 1827.]

*Resolved by the General Assembly of the State of Indiana,* That those persons who have paid a tax for the year 1826, on land which had not been entered five years previous to the first Monday of May last, shall be credited the same for their tax on said lands for the year 1827; and the collectors of the several counties shall make a list of the same and be credited the amount of the taxes aforesaid, which shall be certified in the same manner as delinquencies are now by law certified; and that the sixth section of a law for assessing and collecting the revenue, approved February 12, in the year 1825, be and the same is hereby repealed: *Provided however,* That nothing herein contained shall affect any sale of lands heretofore made by any collector of state and county revenue under the provisions of the several laws of this state.

INDIANA, to wit:

I, WILLIAM W. WICK, Secretary of State, certify that I have compared the foregoing Acts and Joint Resolutions of the General Assembly of the State aforesaid, as printed above, with the original rolls on file, and have found the same correct, with the exception of the words printed in italics and included within brackets [*thus*] which words are interpolated by the printer to explain the sense, and make the same more complete.

In testimony whereof, I have hereunto set my hand and affixed my seal, at the Secretary's Office in Indianapolis, the 27th day of March, in the year of our Lord 1827; the eleventh year of the state, and of the Independence of the United States the fifty-first.

WM. W. WICK.



# REPORTS

OF THE TREASURER OF STATE AND AUDITOR OF PUBLIC ACCOUNTS, FOR  
THE YEAR 1826.

## TREASURY DEPARTMENT, DECEMBER 8, 1826.

The Treasurer in obedience to the directions of the "Act concerning the Auditor of Public Accounts, and Treasurer of State," respectfully submits the following report of the public revenue and expenditure, from December 3, 1825, to December 2, 1826.

Cash on hand at the last annual report, \$7011 95

### Receipts during the above period.

From taxes due for the year 1817,	\$27 30
1821,	34 27
1822,	271 00
1823,	270 10
1824,	777 66
1825,	23,701 19
1826,	2,907 41

From unlisted lands not previously reported to Auditor,	13 06
Penalties for delay of payment,	14 82

Total revenue \$28,016 81

From sales of seminary lands in Gibson,	1,000 00
lots in Indianapolis,	1,850 29

Total, \$37,879 05

### Expenditures during the term aforesaid.

For stationary for the last legislature,	142 16
For public printing,	1,101 41
Interest to Rapp,	443 00
on seminary fund,	120 50
on treasury notes,	125 25

688 75

For contingent expenses,	588 23
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### For expenses of State Prison.

Contract with Westover as superint'd't,	400 00
Transportation of convicts,	655 29

1,055 28

### For expenses of Seat of Government.

Building Court House in Indianapolis	382 82
House and offices for Aud. and Treas.	200 00
Per centage to do. do.	73 35
Agent's allowance and salary,	289 62

1,445 79

## Treasurer's Report.

407

### Expenses of last Legislature.

Clerks, door-keepers and serg't at arms	1,358 50
Pay of members,	7,140 54
Previous claims,	363 13
Distributing laws,	174 00
Librarian's salary,	20 00

9,056 17

### Specific Appropriations.

House rent for Governor, 1825,	200 00
For Impeachments,	248 59
Incidental allowances,	546 48

995 07

To sheriff's for advertising Presidential election,	7 00
To Rapp the amount loaned of him,	5,000 00
To Governor for house rent, 1826,	200 00
To the officers of the Judiciary,	6,335 00
Executive,	2,752 80
Circuit Prosecutors,	1,321 84
Adjutant General,	125 00
Treasury notes burnt,	1,249 00
Leaving a balance in the treasury of	5,815 55

\$37,879 05

### The State Debt consists of,

Outstanding warrants,	120 00
Treasury notes in circulation,	210 00
Judiciary claims not audited,	1,575 00
Circuit Prosecutors,	227 00
Due U. S. assign's of Vincennes bank,	1,873 17
Interest on the same,	552 58
Due road and canal fund,	5,000 00
Interest on same,	1,775 00
Seminary fund,	2,296 96

\$13,629 71

The cash on hand as above is	5,815 55
Estimated amount payable from this years revenue,	31,000 00
From balances against former treasurer and collectors of previous years,	3,000 00

39,815 55

The current expenses of the ensuing year may be estimated at	25,000 00
State debt except seminary fund,	11,332 75

\$36,332 75

Estimated balance to be in the treasury, 1st December, 1827,	\$3,482 80
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Returns of fines assessed on persons conscientiously scrupulous of bearing arms, have been made to this office, since last report from the 1st, 8th, 9th, 18th, 19th, 37th, 40th, 42d and 47th regiments, amounting in all to \$870. No part of the above has been paid into the treasury.

I have the honor to be, &c.

SAMUEL MERRILL.

#### AUDITOR'S OFFICE, DECEMBER 9, 1826.

The Auditor of Public Accounts, in obedience to an act of the General Assembly, entitled "An act concerning the Auditor of Public Accounts and Treasurer of State," submits the following report, viz:

There was remaining in the Treasurer's hands on the third December, 1825, as per former report, provided all claims audited to that date have been paid, the sum of \$6,332 27

Since the above period to the 2d December, 1826, inclusive, there has been received from sundry collectors on account of balances due for 1817, 27 30  
 From sundry collectors for balances for 1821, 34 27  
 From sundry collectors for balances for 1822, 271 00  
 From sundry collectors for balances for 1823, 270 10  
 From sundry collectors for balances for 1824, 777 66  
 From sundry collectors for revenue for 1825, 23,673 47  
 From sundry collectors for the year 1826, 2,907 41  
 From Benjamin I. Blythe, agent at Indianapolis, 1,850 29  
 From the commissioners of the seminary lands in Gibson, 1,000 00  
 For unlisted lands from Monroe, Owen and Daviess, for the years 1824 and 1825, the sum of 40 78  
 For damages collected from the collectors of Vigo and Scott, 14 82

Making a sum total of \$37,199 37

Since the above periods there has been audited, in liquidation of the expenses of the judiciary department, the sum of 6,355 00  
 In liquidation of the state prison, 628 92  
 In liquidation of militia expenses, 125 00  
 In liquidation of the last General Assembly, 9,149 97  
 In liquidation of the seat of government, including eight hundred and eighty-two dollars and eighty-two cents, paid the commissioners of Marion county, towards completing the building of the court-house, the sum of 1,245 70  
 In liquidation of the expenses of the electors of President and Vice-President, the sum of 7 00  
 In liquidation of expenses for circuit prosecutors, 1,321 84  
 There has been audited and paid to Frederick Rapp, on account of the public debt, the sum of 5,000 00

Also, on account of interest, the sum of 443 00  
 There has been audited and paid on account of interest from the Gibson seminary fund, the sum of 120 50  
 There has been audited and paid for interest on treasury notes, the sum of 125 25  
 There has been audited in liquidation of the Executive department, the sum of 2,752 80  
 In liquidation of public printing, the sum of 1,101 41  
 In liquidation of the specific appropriation account, 1,071 33  
 In liquidation of house rent for Governor, 200 00  
 In liquidation of contingent expenses, the sum of 588 23  
 In addition to the above claims specified, the treasury is entitled to a credit for treasury notes burnt, pursuant to an act of the General Assembly for 1,249 00

Making a sum total of \$31,485 04

Which deducted from the sum of \$37,199 37, as reported to have been received, will leave a balance in the hands of the treasurer, provided all the claims audited to the 2d December, 1826, have been paid, the sum of 5,714 33  
 The amount returned from forty-six counties of amount of revenue for 1826, amounts to 41,743 44  
 And from the counties of Parke, Tippecanoe, Henry, Fountain and Dubois no duplicate returns have been received; the amount arising from said counties for 1826, may be estimated at 1,325 00

Sum total, \$43,068 44

Respectfully submitted,

WM. H. LILLY, Aud. Pub. Acc'ts.



# APPENDIX.

## LIST OF ACTS.

### *Agency at Indianapolis.*

1. An act for raising the salary of the agent of the state, for the town of Indianapolis.
2. An act authorizing an additional sale of lots in the town of Indianapolis, and for other purposes.
3. An act to authorize the sale of a site for a steam mill at Indianapolis.
4. An act providing for the erection of an office for the clerk of the supreme court, and for other purposes.

### *Appropriations.*

5. An act making general appropriations for the year 1827.
6. An act making specific appropriations for the year 1827.
7. An act making an appropriation to pay the debt due from this state to the United States.

### *County Boundaries.*

8. An act establishing the eastern boundary of Henry county.
9. An act attaching part of the county of Perry to the county of Crawford.
10. An act for the organization of Delaware county.
11. An act for the formation of a new county out of the county of Wabash.

### *County Business.*

12. An act to amend the act entitled "An act regulating the mode of doing county business."
13. An act regulating the mode of doing county business in certain counties therein named, and also to elect township officers.
14. An act to extend a certain law therein named.
15. An act to authorize the board of justices of Ripley county to appoint a lister for Brown township, in said county.
16. An act requiring the board of justices of Washington county to fix on a place for holding circuit courts.

### *Courts Circuit.*

17. An act to amend an act organizing Circuit courts, and defining their powers and duties, approved January 30, 1824; and also to amend an act, entitled an act concerning prosecuting attorneys, approved January 20, 1826.
18. An act to amend an act, entitled an act to regulate judicial circuits and fixing the times of holding courts, approved January 14, 1824.
19. An act to repeal an act, entitled an act to authorize called sessions of the circuit courts.

### *Estrays, &c.*

20. An act to provide for recording brands, ear marks, and for posting estrays in the counties therein named, and for other purposes.

### *Fees.*

21. An act to amend an act, entitled an act regulating the fees of the several officers and persons therein named, approved January 30, 1824.
22. An act in addition to an act, entitled an act regulating the fees of the several officers therein named, approved January 30, 1824.

### *Ferry.*

23. An act to authorize Robert R. Roberts and others to keep a public ferry on the West Fork of White river, in Owen county.

### *Incorporation.*

24. An act in aid of the corporation of the president and trustees of the town of Jeffersonville.
25. An act to amend an act, entitled an act to incorporate the White-water canal company.

### *Jurors.*

26. An act to amend the act regulating the mode of summoning and empannelling grand and petit jurors, approved January 31, 1824, and for other purposes.

### *Justices of the Peace.*

27. An act to amend the act, entitled an act regulating the jurisdiction and duties of justices of the peace.

### *Legalized Acts and Proceedings.*

28. An act legalizing the marriage of Benjamin Patterson and Abigail Hultz.
29. An act legalizing certain contracts made by the agent of the reserved township in Monroe county.
30. An act to legalize the proceedings of the board of justices of Greene county, at a special session held on the 13th day of May, 1826.
31. An act to legalize certain official acts of William W. Kennedy, late recorder of Vermillion county.
32. An act legalizing the proceedings of the board of justices of Franklin county and for other purposes.

### *Libraries.*

33. An act to authorize the board of justices of Pike county to appoint trustees of the Pike county library.
34. An act organizing a county library in the county of Crawford.
35. An act to amend an act, entitled an act for the incorporation of county libraries, approved January 28, 1824.

### *Mill Dams.*

36. An act authorizing Alexander Craig to erect a dam across the West Fork of White river, and for other purposes.
37. An act authorizing John Hammersly to erect a wing dam at the Indian Ford, on White river, near Bono, in Lawrence county.

### *Militia.*

38. An act to amend an act, entitled an act to regulate the militia of the state of Indiana, approved January 20, 1824.



*Navigation.*

39. An act declaring the East Fork of Whitewater river a public highway.
40. An act declaring the Mississinewa river navigable and a public highway.
41. An act authorizing the removal of obstructions in water courses in certain counties therein named.
42. An act to provide for removing the obstructions in the river Patoka.
43. An act supplemental to the several acts declaring Blue river a public highway.
44. An act declaring Salt creek a public highway.
45. An act to improve the navigation of Sand creek.
46. An act declaring the Brushy Fork of Muscatituck a public highway and for other purposes.
47. An act to amend the act declaring certain streams therein named public highways.

*Partition of Real Estate.*

48. An act to amend an act, entitled an act to provide for the partition of real estate.

*Practice at Law.*

49. An act to amend the act, entitled an act regulating the practice in suits at Law.

*Printing.*

50. An act to provide for contracting with a public printer, and for printing and distributing the laws and journals of the present session.

*Probate.*

51. An act to amend an act, entitled an act providing for the settlement of decedents' estates and for other purposes, approved January 26, 1824.

*Recorders.*

52. An act amending an act, entitled an act supplemental to an act, entitled an act defining the duties of recorders, and pointing out the mode of conveying real estate, approved February 12, 1825.

*Relief.*

53. An act for the relief of John Carter and Joel Dixon.
54. An act for the relief of Asabel Dunning.
55. An act for the relief of the securities of Nathaniel W. Marks, late sheriff and collector of Rush county.
56. An act authorizing Alexander Devin, Robert Milburn and Samuel Hall to convey a lot therein named.
57. An act for the benefit of persons who have, or are like to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the court house at Lawrenceburgh, on the morning of the 6th of March, 1826.
58. An act authorizing Henry Thornburgh and Henry Hoover, administrators of the estate of John Charles, deceased, to convey a certain water privilege.
59. An act authorizing Daniel Fetter and Lewis Shryer to purchase and occupy five acres of land therein named.

60. An act for the sale of the real estate of Thomas Bullitt, deceased.
61. An act to authorize the executors of William Ballard, deceased, to convey certain lands therein named.
62. An act to authorize Polly Branham, administratrix of Lindsfield Branham, to sell and convey certain lands therein named.
63. An act authorizing Samuel S. Graham to convey certain lots in the town of Paris, Jennings county.
64. An act for the benefit of the widow and heirs of Peter B. Wright, deceased.
65. An act to authorize Franklin F. Sawyer to sell and convey certain real estate.
66. An act for the relief of persons owning lots in Springfield, the late seat of justice of Posey county.
67. An act for the relief of Jesse Jackson, late collector of the revenue for Scott county.
68. An act for the relief of John M. Wilson, late sheriff and collector of Fayette county, and for other purposes.
69. An act for the relief of the securities of Abraham Elliott, late sheriff of Wayne county.
70. An act for the relief of Ansel Richmond, Recorder of Madison county, and Clerk of the Madison circuit court.
71. An act for the relief of William W. Wick.

*Revenue.*

72. An act to amend the several acts now in force relative to assessing and collecting the revenue.

*Roads and Bridges.*

73. An act to amend an act, entitled an act for opening and repairing public roads and highways, in certain counties therein named, approved January 12, 1826.
74. An act to repeal part of an act entitled an act providing the mode of opening and repairing public roads and highways, in certain counties therein named, approved January 21, 1826.
75. An act concerning state roads.
76. An act to enable the citizens of Vigo county to appropriate their road fund to the removal of stagnant waters in said county.
77. An act authorizing Arthur Major to build a bridge across Big Flat Rock.
78. An act more fully to carry into effect an act to provide for the appointment of a separate commissioner, for that part of the state road leading from Mauk's ferry to Indianapolis, which lies between the towns of Indianapolis and Franklin.
79. An act to amend an act, entitled an act authorizing the laying off certain state roads in this state, and appropriating \$100,000 of the fund commonly called the three per cent. fund, for opening the same, approved December 31, 1821.
80. An act to provide for building certain bridges, and for other purposes.
81. An act to provide for the surveying of a state road from Indianapolis to Newport, Vermillion county, Indiana.



82. An act to establish a road from the town of Crawfordsville, in Montgomery county, to the town of Covington, in Fountain county.

83. An act respecting the state road from the Wabash, by the way of the High Banks, on White river to Indianapolis.

84. An act to repeal part of the act, entitled an act to amend an act, entitled an act for opening public roads and highways, approved February 12, 1825, and for other purposes.

*Salt Springs.*

85. An act to amend the act concerning Salt Springs in Orange county, approved January 20, 1826.

*School Sections.*

86. An act for the benefit of persons leasing the school section, in township 21, of range 7 west, in the year 1825.

87. An act legalizing the proceedings of the school trustees, in congressional township No. 9, in range No. 2 west, also congressional township No. 12, in range No. 13 east, in Franklin county.

*Schools, Meeting Houses, &c.*

88. An act to amend an act, entitled an act for the appointment of trustees to receive deeds for lots or lands, given or purchased for the use of schools, meeting houses, or masonic lodges, approved January 7, 1824.

89. An act supplemental to an act, entitled an act for the appointment of trustees to receive deeds for lots or lands, given or purchased for the use of schools, meeting houses, or masonic lodges, approved January 7, 1824.

*Seats of Justice.*

90. An act providing for the relocation of the seat of justice, in the county of Dearborn.

91. An act for the relocation of the seat of justice of the county of Madison, and the formation of the county of Hancock.

92. An act appointing commissioners to relocate the seat of justice of Crawford county.

93. An act supplemental to an act, entitled an act to relocate the seat of justice of Crawford county.

*Seminaries County.*

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95. An act incorporating the Washington county seminary.

96. An act to incorporate the county seminary of Harrison county.

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